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Legislative Journal.

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SENATE

MONDAY, April 22, 1935.

The Senate met at 9 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

We thank Thee, O God, for our Republic, the United States of America, and for our Commonwealth, the sovereign State of Pennsylvania. May this nation and this State endure. Keep our citizens and those whom they elect to places of public trust true to the principles of the fathers.

Our flag has for many generations floated in the beautiful azure sky of liberty; liberty of thought, of speech, of press and of religion. Save us from every sinister influence that may be seeking to rob us of our liberty.

May our ensign of red, white and blue never be lowered and may the stripes of white and blue never be obliterated, leaving only a red banner to enfold our fair land. May our people never be dragged down into the dark depths which today engulf the unfortunate subjects of some of the nations across the sea. May we never become captives of any foreign power nor salute any foreign flag.

Hold us in the hollow of Thy protecting hand. Guide our Governor and our Legislature by Thy wisdom in every stormy sea through which they may seek to sail our Ship of State, bringing them into a harbor of peace and prosperity.

We ask these favors in Thy blessed name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

PETITIONS

FAVORING THE ADMINISTRATION'S PENDING TAX PROGRAMME

The Chair cleared his table and laid before the Senate petition from the Good Will Citizens' League of Berks County favoring the administration's pending tax programme.

Which was referred to the Committee on Finance.

OPPOSING ANTI-SABBATH LEGISLATION

The Chair also laid before the Senate petitions signed by numerous residents of Washington and Butler Counties protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

OPPOSING LEGISLATION PLACING COST OF RELIEF UPON COUNTY GOVERNMENT

The Chair also laid before the Senate petition from the Pennsylvania State Association of County Controllers, Rochester, opposing enactment of legislation which would place the cost of relief upon county government.

Which was referred to the Committee on County Government.

PROTESTING AGAINST SENATE BILL NO. 930.

The Chair also laid before the Senate petitions from several individuals throughout the State protesting against Senate Bill No. 930.

Which were referred to the Committee on Agriculture.

FAVORING CHANGES IN THE RELIEF ADMINISTRATION PERSONNEL

The Secretary presented to the Senate petition from the Ladies Auxiliary of the Unemployed League of West Pittston favoring certain changes in the relief administration personnel.

Which was referred to the Committee on Judiciary General.

OPPOSING FURTHER TAX ON TOBACCO

Mr. McCLURE presented to the Senate petitions from numerous individuals and associations throughout the State protesting against further increasing the tax on tobacco.

Which were referred to the Committee on Finance.

FAVORING THE ADMINISTRATION'S PENDING TAX PROGRAMME

Mr. REED (Dauphin) presented to the Senate petitions signed by ten thousand residents of Dauphin County favoring the administration's pending tax programme.

Which were referred to the Committee on Finance.

FAVORING HOUSE BILL NO. 1976.

Mr. HUFFMAN presented to the Senate petition signed by numerous citizens of Lehighton and Mauch Chunk favoring House Bill No. 1976.

Which was referred to the Committee on Judiciary General.

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URGING RELIEF BEING PLACED IN THE HANDS OF ELECTED BOARDS

Mr. EALY presented to the Senate petition signed by numerous residents of Somerset County favoring relief being placed in the hands of an elective board in each county.

Which was referred to the Committee on County Government.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1156

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1156, entitled:

An Act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the Bureau of Police in cities of the second class; providing a pension fund for said employes and providing for the payment of certain dues, fees, assessments, fines and appropriations thereto; regulating membership therein; creating a Board for the management thereof; providing the amount, mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act.

REPORT FROM COMMITTEE

Mr. REED (Dauphin) from the Committee on State Government reported as committed, Senate Bill No. 903 (House Bill No. 479), entitled:

An Act providing for the imposition collection and lien of charges for sand gravel and coal taken removed or dredged from the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth title to which is in the Commonwealth requiring persons associations copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue and providing penalties.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 903 (House Bill No. 479) the bill just reported from committee, be recommitted to the Committee on Finance.

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED (Dauphin). Mr. President, this is one of the revenue-raising measures, the first in the Governor's program, and I really think it should be committed to Committee on Finance.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS INTRODUCED

Mr. NORTON read in his place and presented to the Chair Senate Bill No. 999, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Berks.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1000, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Berks.

Which was committed to the Committee on Highways.

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 1001, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nien hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Huntingdon.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 1002, entitled:

An Act concerning executions, providing for an upset price and the effect thereof, and for determining the amount of deficiency judgments; and defining the rights and liabilities of holders of subsequent liens and of persons jointly or severally liable.

Which was committed to the Committee on Judiciary General.

Mr. BATCHELOR read in his place and presented to the Chair, Senate Bill No. 1003, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating, repairing, restoring and reconditioning the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society and known as "Old Economy."

Which was committed to the Committee on Appropriations.

Mr. ARON read in his place and presented to the Chair, Senate Bill No. 1004, entitled:

An Act exempting commercial laundry machinery and commercial dry cleaning machinery and tools and the appurtenances thereto, leased, loaned, hired or conditionally sold, from levy or sale on execution or distress for rent.

Which was committed to the Committee on Judiciary General.

Mr. EALY read in his place and presened to the Chair, Senate Bill No. 1005, entitled:

An Act to amend the penal clause of section nine hundred and three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribing fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1006, entitled:

An Act to amend sections four hundred and twenty-three and five hundred and seventy-one of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning township of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the collection of county, township and school taxes by the county commissioners in certain cases; conferring power on school districts and townships with respect to the collection of their taxes; and providing that the bonds of township tax collectors shall be fidelity bonds.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair, Senate Bill No. 1007, entitled:

An Act to amend sections nine hundred one and one thousand eighty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," as amended; providing for the collection of county, borough and school taxes by the county commissioners in certain cases; conferring powers on boroughs and school districts with respect to the collection of their taxes; and providing that the bonds of borough tax collectors shall be fidelity bonds.

Which was committed to the Committee on Municipal Government.

Mr. COYNE read in his place and presented to the Chair, Senate Bill No. 1008, entitled:

An Act making an appropriation to the Pittsburgh Home for Babies, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1009, entitled:

An Act making an appropriation to the Children's Hospital of Pittsburgh, in the city of Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1010, entitled:

An Act making an appropriation to the Coleman Industrial Home for Colored boys, of one thousand seven hundred and twenty-one Bedford Avenue, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1011, entitled:

An Act making an appropriation to the Passavant Hospital, of Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1012, entitled:

An Act making an appropriation to the Pnittsburgh Hospital Association, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1013, entitled:

An Act making an appropriation to the Pennsylvania Association for the Blind, Incorporated, at Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. PIERSON read in his place and presented to the Chair, Senate Bill No. 1014, entitled:

An Act to amend section two, clause (i) of scetion three, and sections five, ten and eleven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," by redefining the term "dental hygienist;" providing additional grounds for the revocation or suspension of licenses; limiting the appellations permitted to be used; authorizing the issuance of duplicate certificates and regulating practice thereunder; limiting the scope of practice as a dental hygienist, and increasing the power of the Board as to suspension and reinstatement of licenses.

Which was committed to the Committee on Public Health.

Mr. REED (Dauphin) read in his place and presented to the Chair, Senate Bill No. 1015, entitled:

An Act to amend sections one, seven and eleven of the act, approved the seventh day of February, one thousand, nine hundred and six (P. L. 7), entitled "An act to enable cities that are now, or may hereinafter be, contiguous or in close proximity, to be united, with any intervening land other than boroughs, in one municipality; providing for the consequences of such consolidation, the temporary government of the consolidated city, payment of the indebtedness of each of the united territories, and the enforcement of debts and claims due to or from each," by requiring a majority vote in each city and in the intervening land voting on the question of consolidation.

Which was committed to the Committee on Municipal Government.

Mr. ZIESENHEIM read in his place and presented to the Chair, Senate Bill No. 1016, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain tawnship roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Erie.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1017, entitled:

An Act relating to the Pennsylvania State Park at Erie authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants, and to acquire by purchase or eminent domain private property rights or interests, in respect to any lands within said park.

Which was committed to the Committee on State Government.

Mr. HARVEY read in his place and presented to the Chair, Senate Bill No. 1018, entitled:

An Act to establish as a State highway a certain section of public road in the County of Luzerne, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1019, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Luzerne.

Which was committed to the Committee on Highways.

Mr. SORDONI read in his place and presented to the Chair, Senate Bill No. 1020, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Luzerne.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1021, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Luzerne.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1022, entitled:

An Act to establish as a State highway a certain section of public road in the County of Luzerne, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1023, entitled:

An Act to establish as a State highway a certain section of public road, in the County of Luzerne, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. HUFFMAN read in his place and presented to the Chair, Senate Bill No. 1024, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish, and amending, revising, consolidating and changing the law realting to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," providing for the issuing of permits to take fish from licensed propagating ponds.

Which was committee to the Committee on Game and Fisheries.

Mr. RICE read in his place and presented to the Chair, Senate Bill No. 1025, entitled:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third, one thousand nine hundred and thirty-three; validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies thereof; permitting the recording of such certificates or copies thereof, and making certified copies of the record of certified copies of certificates competent evidence for all purposes.

Which ws committed to the Committee on Corporations.

Mr. RODGERS read in his place and presented to the Chair, Senate Bill No. 1026, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview.

Which was committed to the Committee on Appropriations.

Mr. REED (Washington) read in his place and presented to the Chair, Senate Bill No. 1027, entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulations supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws," by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act, which insured against perils arising from the ownership or maintenance, or from the use of aircraft, automobiles or other motor vehicles.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 1028, entitled:

An Act to amend section 629 of the act approved the 17th day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to further except from subdivision (b) of Article 6 of that act, double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability, issued in conjunction with life insurance and annuity contracts.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 1029, entitled:

An Act to amend section 410 of the act approved the 17th day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies Lloyds, associations, reciprocal and inter-insurnace exchanges; and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties, and repealing existing laws" so that the provision relating to incontestability of the policy will further except, at the option of the company, provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident, and further to amend the provisions relating to participation in surplus so that deferred dividents will no longer be permitted.

Which was committed to the Committee on Insurance.

Mr. McCREESH read in his place and presented to the Chair, Senate Bill No. 1030, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking, and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associasions; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations or persons affiliated or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of certain private banks.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair, Senate Bill No. 1031, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations, providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers, defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association or person and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties, and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

Which was committed to the Committee on Banking.

Mr. LAW read in his place and presented to the Chair, Senate Bill No. 1032, entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 1033, entitled:

An Act to amend Article 6 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define non-cancellable health and accident insurance and to define and regulate policies of group health and accident insurance.

Which was committed to the Committe on Insurance.

Mr. RUPP read in his place and presented to the Chair Senate Bill No. 1034, entitled:

An Act providing for the abatement of interest on municipal claims filed by cities of the third class, if paid within a certain time.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 1035, entitled:

An Act to amend the Act approved the 17th day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," so that a new section, to be known as section four hundred and ten B (410B) is added, providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies.

Which was committed to the Committe on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 1036, entitled:

An Act to amend Section 354 of the act approved the 17th day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds, associations, reciprocal and inter-insurance exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; benefit certificates issued by fraternal and beneficial; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania; and further stipulating the manner in which such forms shall be submitted to the Insurance Commisioner for his approval.

Which was committed to the Committee on Insurance.

Mr. STAUDENMEIER read in his place and presented to the Chair, Senate Bill No. 1037, entitled:

An Act making an appropriation for the purpose of reimbursing county treasuries for moneys refunded or to be refunded to owners of Liquor licenses in accordance with the provisions of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 1052), entitled "An act providing for the refunding of retail liquor license fees and additional taxes to holders of licenses to sell vinous, spirituous, malt or brewed liquors any admixture thereof, or intoxicating liquor, where the act of Assembly under the authority of which such licenses were granted has been repealed by the General Assembly of one thousand nine hundred and twenty-three prior to the expiration of the license year for which such licenses were issued; providing for the payment of such refund in certain cases by the county in which such license was granted, and the repayment to such county by the city, borough, township, and State of their respective shares of such refund, and for the payment of such refund in certain cases by the State alone; providing the procedure in such cases; and making an appropriation."

Which was committed to the Committee on Appropriations.

RESOLUTION RELATIVE TO UNIFORM REVENUE LEGISLATION ON REAL ESTATE TAXATION

Mr. WOODWARD offered the following resolution, which was twice read, and referred to the Committee on Finance:

In the Senate of Pennsylvania, April 22, 1935.

Resolved (if the House of Representatives concur), That the Legislatures of the States of New York, New Jersey, Delaware, Maryland, West Virginia and Ohio be respectfully invited to arrange to have their respective Senate and House committees dealing with revenue legislation or sub-committees thereof, meet with the Finance Committee and Ways and Means Committee of the Senate and House of Representatives of Pennsylvania on May , 1935, for the purpose of discussing uniform revenue legislation to relieve the burden of taxation on real estate;

Resolved, That a copy of this resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of each of said states by the Chief Clerk of the Senate.

RESOLUTION REQUESTING INFORMATION FROM THE EXECUTIVE DIRECTOR OF THE STATE EMERGENCY RELIEF BOARD

Mr. CAVALCANTE offered the following resolution, which was twice read:

In the Senate of Pennsylvania, April 22, 1935.

Whereas, A joint legislative committee has been created by the Senate and House of Representatives for the purpose of investigating the distribution of relief in the Commonwealth and various counties thereof; and

Whereas, Certain information should forthwith be made

available and public for the use and study of said committee and of members of the Senate and House of Representatives; therefore be it

Resolved, That the Executive Director of the State Emergency Relief Board be directed to furnish to the Senate a complete list of the names, the date of employment and residence on the date of employment of the persons employed by the State Emergency Relief Board and by local relief boards in the various counties and relief districts in the distribution of unemployment relief, classifying the same, the central office and by countes or districts in which employed, together with the monthly salary paid to each such employe, and that such information be furnished not later than May sixth, one thousand nine hundred and thirty-five;

Resolved, That the information required to be furnished by this resolution shall, upon its receipt, be spread upon the Journal of the Senate;

Resolved, That a copy of this resolution be transmitted to the Executive Director of the State Emergency Relief Board by the Chief Clerk of the Senate.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, in view of the fact that there has recently been appointed a joint committee of the House and Senate to consider the subject of relief, I object to the immediate consideration of this resolution.

I move that this resolution be referred to that Special Committee on relief.

Mr. CLARK. Mr. President, I second the motion.

The PRESIDENT. The Chair hears objection.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, my point of order is that if there is objection to the request for unanimous consent to the suspension of Rule 39, the resolution must be referred to the appropriate committee by the President.

The PRESIDENT. The Chair is of the opinion that the point of order is well taken. However, the Chair had in mind the referring of that resolution to the committee designated in the motion.

Mr. BUCKMAN. Mr. President, I withdraw my motion to refer it to the Special Committee on the study of relief, and it may be referred to the Committee on State Government where it belongs.

The PRESIDENT. Does the seconder of the motion agree to the withdrawal of the motion?

Mr. CLARK. Mr. President, as the seconder of the motion, I agree to its withdrawal.

The PRESIDENT. The motion is withdrawn, and the resolution is referred to the Special Committee to investigate the relief set-up.

TIME OF NEXT MEETING

Mr. HARVEY offered the following resolution, which was twice read, considered and agreed to:

In the Senate, April 22, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 29th, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, April 29th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SENATE COMMITTEE TO STUDY THE QUESTION OF PURCHASE AND SALE OF LIQUOR IN PENNSYLVANIA

Mr. REED (Dauphin). Mr. President, I move that the Senate do now proceed to the consideration of Senate Resolution Serial No. 43, reported from committee on April 18th.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, April 3, 1935.

Whereas, Administration of the Pennsylvania Liquor Control Act of 1933 has been the subject of considerable discussion throughout the Commonwealth, and

Whereas, It is essential that the Senate of Pennsylvania ascertain facts with relation to the method of handling the liquor business in Pennsylvania during the past two years, and whether the present system can be improved upon, and

Whereas, It is the desire to put into operation the best possible method by which the purchase and distribution of liquor can be effected in Pennsylvania, and

Whereas, It is deemed advisable to create a committee to study from time to time as occasion may arise, the question of the purchase and sale of liquor in the Commonwealth, therefore be it

Resolved, That the President pro tempore of the Senate be and he is hereby authorized to appoint a special committee of five Senators to conduct an immediate, diligent and thorough inquiry for the benefit of the Senate in considering proposed legislation into the matters aforesaid and all others having any bearing thereon which may come to the notice of said Committee: and be it further

Resolved, That such committee shall have authority to call upon such of the members of the Senate as are learned in the law of prosecution of the inquiry and ascertainment of the facts for the information of the Senate and to require of any officers of the Senate such service as may be necessary to the same end.

That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the Committee, and to produce such books, papers, records and documents as the Committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall wilfully neglect or refuse to testify before said Committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

That the said Committee shall make a report of its findings to the Senate as occasion requires.

On the question,

Will the Senate agree to the Resolution?

Mr. McGINNIS. Mr. President, the House, as I understand it, is doing the same thing now, making an investigation of the Liquor Control Board and it is going to cost lots of money. Now, if we start another investigation on top of that, it will cost more money. It does seem to me that we should hold up this investigation until the House gets through with its investigation. It may be that the House will report favorably upon everything that is in

this resolution, and I do not see the purpose of starting another investigation right on top of the one that is under way now in the House.

Mr. HARRIS. Mr. President, I desire to interrogate the sponsor of this resolution, the Senator from Dauphin, Mr. Reed.

The President. Will the Senator from Dauphin, Mr. Reed, be interrogated?

Mr. REED (Dauphin). Mr. President, I will.

Mr. HARRIS. Mr. President, I desire to ask one question. I desire to ask the Senator from Dauphin as to whether or not there is an appropriation in this bill and whether or not there will be a penny expended in the investigation?

Mr. REED (Dauphin). Mr. President, there is no appropriation in this bill. It does not necessarily entail any expense.

Mr. McGINNIS. Mr. President, may I interrogate the sponsor of the bill?

The PRESIDENT. Will the Senator from Dauphin, Mr. Reed, be interrogated?

Mr. REED (Dauphin). Mr. President, I will.

Mr. McGINNIS. Mr. President, How can an investigation of this character be carried on without considerable expense arising somehow?

Mr. REED (Dauphin). Mr. President, my answer to the Senator from Allegheny is that investigations of this kind have been carried on in the past without expense, and I am sure that the Senators who are appointed will be willing to undertake the investigation without expense, and I see no reason why there should be any expense.

Mr. McGINNIS. Mr. President, if there is no expense, I do not object to the resolution.

Mr. COYNE. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, be interrogated?

Mr. McGINNIS. Mr. President, with pleasure.

Mr. COYNE. Mr. President, I would like to know from the Senator from Allegheny, Mr. McGinnis, whether or not there is any expense attached to the investigation being carried on in the House.

Mr. McGINNIS. Mr. President, I do not know.

Mr. COYNE. Mr. President, I would like to know from the Senator from Allegheny, Mr. McGinnis, if to his knowledge there is any money being spent for that investigation.

Mr. McGINNIS. Mr. President, if there is no expense, I am for carrying on the investigation. That is part of their work.

Mr. COYNE. Mr. President, does not the Senator from Allegheny, Mr. McGinnis, think that the members of the Senate are as well able to carry on the investigation without expense as are the members of the House?

Mr. McGINNIS. Mr. President, I did not hear the last remark of the Senator from Allegheny, Mr. Coyne, but I want to announce that I am not opposed to this resolution if it does not cost any money.

The PRESIDENT. I think the Senator from Allegheny, Mr. Coyne, wanted to know whether the committee would sample the liquors.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

RECONSIDERATION OF SENATE BILL NO. 149

Mr. BUCKMAN. Mr. President, I move that the Senate do now proceed to the reconsideration of Senate Bill No. 149 recalled from the Governor for the purpose of amendment, entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which Senate Bill No. 149 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "aye."

Mr. HARRIS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HARRIS. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "aye."

Mr. HARRIS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HARRIS. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. BUCKMAN. Mr. President, I ask unanimous consent to amend page 1, line 3 of the title by striking out at the end of the line after the word "jurors" the following: "[becoming incapacitated]" and inserting in lieu thereof the following: "who die become ill or are discharged for legal cause"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. BATCHELOR. Mr. President, I ask unanimous consent that Senate Bill No. 154, on third reading, entitled:

An Act providing that State and Federal moneys appropriated and available for unemployment relief and work relief shall be allocated by the Department of Welfare for expenditure either by political subdivisions charged by law with the care of the poor; or by county unemployment relief boards appointed by the court of common pleas defining the powers of such political subdivisions and boards; providing for the audit of accounts prescribing penalties and repealing existent laws relating to the administration of unemployment relief.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order

The Senate resumed the consideration of Senate Bill No. 835 ,House Bill No. 1789), as follows:

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" is hereby amended to read as follows.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Board of Examiners for Registration of Nurses hereinafter called the board shall adopt a seal and shall establish by-laws and regulations not inconsistent with law for its own government and for the execution of all of the laws which it is its duty to enforce or administer It shall meet annually for organization on a date to be fixed by the by-laws and at such other times as it may designate Its officers shall be elected for a term of one year and shall serve until their successors are elected All vacancies arising in said offices shall be filled by the board in like manner for the unexpired term It shall not have any power in any way to fix prices or in any way control the compensation received by the registered nurse or licensed attendant

Section 2 That section three of said act is hereby amended to read as follows

Section 3 No application for original registration as a registered nurse shall be considered unless accompanied by a fee of ten ($10.00) dollars Every applicant to be eligible for examination as a registered nurse must furnish evidence satisfactory to the board that he or she is twenty-one years of age or over is a citizen of the United States is of good moral character has completed work equal to a [one year's] standard high school course [in a high school approved] as evaluated by the Department of Public Instruction [followed by graduation] and has graduated from a [training] school of nursing [for nurses] which gives at least a two years' course of instruction or has received instructions in different schools of nursing [connected with hospitals] for a period of time amounting to at least a two years' course as aforesaid and then graduated which school or combination of schools of nursing must be on the approved list issued by the State Board of Examiners for Registration of Nurses as hereinafter provided Provided That a graduate nurse registered in any state of the United States where the requirements for registration in the judgment of the board are at least equal to the requirements of law for such nurses in Pennsylvania may at the discretion of the board be registered without examination upon application in writing on forms provided by the board and upon the payment of a fee of ten ($10.00) dollars

Section 3 That section four of said act is hereby amended to read as follows

Section 4 No application for original registration as a licensed attendant shall be considered unless accompanied by a fee of five ($5.00) dollars Every applicant for examination as a licensed attendant must furnish evidence sasitfactory to the board that he or she is [eighteen] twenty-one years of age or over is a citizen of the United States is of good moral character has completed the course prescribed by the said board or its equivalent in some institution for the mentally sick in a convalescent home or in any institution of a similar nature not having a [training] school of nursing [for nurses] or has had training which in the opinion of the board warrants the examination of said person for registration as a licensed attendant for the care of the sick

Section 4 That section five of said act is hereby amended to read as follows

Section 5 The board shall on or before March first of each year publish and distribute a list of all registered nurses and licensed attendants to whom have been issued "Certificates of Record" as hereinafter provided for the current year and shall at intervals regulated by its by-laws prepare and make available for public distribution lists of all [training] schools of nursing or combinations of [training] schools of nursing approved by it the graduates of which shall be eligible for examination as registered nurses and shall prescribe courses of training the satisfactory completion of which shall make applicants eligible for examination as licensed attendants Provided That the removal of any school from the approved list shall not make any bona fide student therein at the time of said removal ineligible for examination

Section 5 That section seven of said act is hereby amended to read as follows

Section 7 Each person registered with the board as a registered nurse or licensed attendant shall annually on or before the first day of November cause his or her certificate to be recorded in the office of the board The fee for such recording shall be one ($1.00) dollar for the certificate of a registered nurse and fifty cents for the certificate of a licensed attendant [or such other sum as may be fixed by the Department of Public Instruction under authority of law] The form and method of such recording of certificates shall be provided for by the board in such manner as will enable the board to carry into effect the purposes of this act

Section 6 That section eleven of said act is hereby amended to read as follows

Section 11 The board may suspend revoke or restore any certificate of registration for sufficient cause in accordance with the by-laws and regulations of the board but any suspension or revocation shall only be by unanimous vote of the members of the board after a full and fair hearing before the board upon the question of revocation and after thirty days' notice of the time and place of said hearing and a copy of the charges preferred have been sent by registered mail to the holder of the certificate at his or her last known address Any person aggrieved by the action of the board in suspending or revoking a certificate [or] of registration may appeal therefrom within thirty days after such action to the court of common pleas of Dauphin County which court shall hear the matter de novo and shall enter such order affirming modifying or reversing the action of the board as to it shall appear proper The action of the court on any such appeal shall be final

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Daly,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has

passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 22, as follows:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents and boards of school directors and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives fo the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 Definitions (a) The word "commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commissioner

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(m) "City" shall mean only a city of the third class

(n) All references to mayors, police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district within such city

(o) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 Registration Commissions Membership Bipartisan-Term of Office Vacancies Removal Compensation Oath of Office Organization Chairman Secretary Actions by Vote of Majority of Members Record of Proceedings Annual Report (a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of the commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

Section 4 Powers of Commissions Regulations Enforcement Correction of errors or Irregularities Cancellation of Registration Powers of Commissioners (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) To govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses on a matter pending before the commission (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Appointment of Clerks or Secretaries as Registrars Incompatible Offices (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to cary out the provisions of this act and may at any time remove the same The commission may appoint employes of the county to act as such for the commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensa-

tion either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any inn lodging house or hotel within such city and to interrogate any lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration

Section 6 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration counsel and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its dutes

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the passage of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 7 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 8 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 9 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists lists of voters voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 10 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 11 Watchers or Attorneys at Sessions of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or body of electors

Section 12 Candidates may be Present at Proceedings Every candidate for nominate or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 13 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice (a) From and after the first day of February one thousand nine hundred and thirty-six each commission or any commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-six applications for personal registration may be received up to and including the fifth day of May anything in this section to the contrary notwithstanding And provided further That in the year one thousand nine hundred and thirty-six each commission shall arrange to have a registrar present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the

city on at least three separate days prior to May fifth (one of them being in March and another in May) and one day in the period beginning September twenty-fourth and ending October sixth

(b) The county commissioners shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of public education or school directors of each city or school district thereof shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration Provided That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 14 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexng the registration cards

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 15 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his resident (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) the designation of the political party of the elector for the purpose of voting at primaries (14) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (15) his height in feet and inches (16) the color of his hair (17) the color of his eyes and (18) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (19) the ward and election district in which the elector resides (20) the date of each election and primary at which the elector votes and (21) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

Section 16 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided From and after the fifth day of May one thousand nine hundred and thirty-six no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of four years as hereinafter provided

Section 17 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the city Any person so challenged shall answer the questions

of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 18 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which naturalization was affected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and times when his father was naturalized and that at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-one may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court where such naturalization took place or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 20 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 21 General Register—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 22 District Registers—The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to the public inspection at all times subject to reasonable safeguards rules and regulations

Section 23 Removal Notices—The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may be filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 24 Transfer of Registration—(a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission

shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 25 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) At any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signatures of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 26 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Notice (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commissioner in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 27 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each four years the commission shall send such notices by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section twenty-eight of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 28 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of the city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliation or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 29 Corrected Street Lists Not later than the fifteenth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 30 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or

was no longer one of them or that no person is residing at the address given whereupon the commission may forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 31 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceding an election or primary the commission shall deliver to the county commissioners of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed that the name address voting record and other data on each card may easily be made visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or writeen thereon the words "District Register of Voters" and the name of the district

Section 32 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered Are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates List of Voters Elections and Primaries Counting Et Cetera of Names Checked as having Voted Sealing of Registers and Lists of Voters Return of Lists of Voters and Registers (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and deemed not to be authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless upon being challenged he shall make affidavit that he has not become disqualified by removal from the district since registration or that he has not violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have last his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity by affidavit and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall make affidavit of his identity or continued residence in the election district or that he has not violated any such election laws

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....
Address .....
.....Pennsylvania
Approved .....

Number of stub of ballot issued (or number of admission to voting machines)
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voters certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the electors signature is not readily legible shall print such electors name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voters certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election The voters certificates so bound shall constitute the ballot check list required by law to be kept by the clerks of election All voters certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters

(g) As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the list of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The list of voters and

the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 33 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(b) The commission shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voters certificates and registers hereby prescribed

Section 34 Cancellation of Registration Upon Failure to Vote Within Four Years Request for Reinstatement Within three months after the general election held in the year one thousand nine hundred and forty and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately preceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of four years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice and after publication of the information contained in the notice mailed as aforesaid at least one time in at least one newspaper of general circulation published in the city where such elector resides the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of four years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 35 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 36 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 37 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 38 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 39 Crimes and Penalties (a) Any wilful

false statement made under oath by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(b) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(c) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than three (3) years

(d) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(f) Any commissioner registrar inspector or registration or the other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than one year

(g) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(h) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(i) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 40 Partial Invalidity Legislative Intent It is the intention of the General Asembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 41 Repeals The act approved the fifth day of March one thousand nine hundred and six (P. L. 63) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" and the various supplements and amendments thereto are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class.

Section 42 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to amend title, page 1, next to last line of title, by striking out the words "real estate brokers rental agents;" also section 3, page 4, lines 13, 14 and 15, by striking out the words "Bipartisan-Term of Office Vacancies Removal Compensation Oath of Office Organization Chairman Secretary;" also section 3, page 4, line 16, by striking out the words "Annual Report;" also section 7, page 8, by inserting between lines 26 and 27, the following: "mission by order of the commission shall be construed to;" also page 8, line 28, by striking all of said line. Amend section 13, page 11, line 20, by striking out the word "February" and inserting in lieu thereof: "July;" also section 13, page 11, line 21, by striking out the words "thirty-six" and inserting in lieu thereof: "thirty-five;" also page 11, line 27, by striking out the word "five" and inserting in lieu thereof: "sixty;" also line 27, by inserting after the word "and" the following: "the five days next following;" also page 12, line 5, by striking out the words "thirty-six" and inserting in lieu thereof: "thirty-five;" also line 6, by striking out the word "fifth" and inserting in lieu thereof: "third;" also line 6, by striking out the word "May" and inserting in lieu thereof: "September;" also line 9, by striking out the words "thirty-six" and inserting in lieu thereof: "thirty-five;" also lines 13, 14, 15 and 16, by striking out the words "May fifth" in line 13, and the whole of lines 14, 15, and 16, and inserting in lieu thereof: "September fourth;" also section 16, page 17, line 15, by striking out the words "fifth day of May" and inserting in lieu thereof: "first day of August;" also page 17, line 16, by striking out the words "thirty-six" and inserting in lieu thereof: "thirty-five;" also line 24, by striking out the word "four" and inserting in lieu thereof: "two;" also section 17, page 18, line 10, by striking out the words "Secretary of the Commonwealth" and inserting in

lieu thereof: "commission;" also section 23, page 22, line 5, by striking out the word "notice" and inserting in lieu thereof: "notices;" also page 22, line 16, by striking out the word "be" and inserting in lieu thereof: "by;" also section 24, page 23, line 29, by inserting after the word "registration" the following: "or again register by personal application as provided by this act;" also section 29, page 28, lines 22, 23 and 24, by striking out the words "which may be made by cor-" in line 22, the whole of line 23, and the words "street lists" in line 24;" also section 31, page 29, lines 26 and 27, by striking out the words "County Commissioners" and inserting in lieu thereof: "Election Officers;" also page 29, line 29, by striking out the whole of said line, and inserting in lieu thereof: "have;" also page 30, line 2, by striking out the words "in order that" and inserting in lieu thereof: "and shall deliver;" also page 30, line 2, by striking out the words "may be delivered;" also page 30, line 7, by striking out the words "to the county commissioners;" also page 30, lines 13 and 14, by striking out the words "to the county commissioners;" also page 30, lines 15 and 16, by striking out the words "to the county commissioners;" also section 32, page 31, line 10, by inserting after the word "and" the following: "shall have been;" also page 31, lines 10 and 11, by striking out the words "not to be;" also page 31, lines 13 and 14, by striking out the words "upon being challenged he shall make affidavit" and inserting in lieu thereof: "it be shown to the satisfaction of the election officers; also line 14, by striking out the word "not;" also line 15, by striking out the word "not;" also section 34, page 35, line 26, by striking out the word "Four" and inserting in lieu thereof: "Two;" also line 26, by striking out the words "Request for Reinstatement;" also line 27, by striking out the word "general" and inserting in lieu thereof: "municipal;" also line 28, by striking out the word "forty" and inserting in lieu thereof: "thirty-seven;" also page 36, line 4, by striking out the word "four" and inserting in lieu thereof: "two;" also line 9, by striking out the word "four" and inserting in lieu thereof: "two;" also line 9, by striking out the word "resignation" and inserting in lieu thereof: "registration;" also lines 10 to 15, both inclusive, by striking out the words "from the date" in line 10, the whole of lines 11 to 14, both inclusive, and the words "expiration of the time specified in the notice and" in line 15;" also line 18, by striking out the word "the" and inserting in lieu thereof: "The;" also lines 19, 20 and 21, by striking out the words "he has filed" in line 19, the whole of line 20, and the words "registration as above provided" in line 21, and inserting in lieu thereof: "within ten days after the publication of the information contained in the notice as aforesaid, he appears in person before the commission and offers satisfactory proof that he has actually voted at a primary or general election within two years;" also line 22, by striking out the word "four" and inserting in lieu thereof: "two;" also section 42, page 44, line 23, by striking out the words "immediately upon final enactment" and inserting in lieu thereof: "July first, one thousand nine hundred and thirty-five."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 432 (House Bill No. 678), entitled:

An Act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" as amended abolishing imprisonment for failure to pay taxes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. HARRIS. Mr. President, on last Wednesday morning, when this bill was up for final passage, there was an objection raised, and a motion made to recommit it to the Committee on County Government. The gentleman making this motion was requested to have the bill go over in its order. He was courteous enough to grant this request.

Everybody has had time to study the provisions of this amendment, and I think now there should be no objection to its consideration; but I think a brief explanation to the membres here would be in order. This is an amendment to the Act of 1834—passed one hundred years ago. Briefly this amendment does this: it prevents the imprisonment of taxpayers for their failure to pay taxes. It takes away from the tax collector the right to place in jail anyone who is delinquent in the payment of his taxes.

The argument has been advanced that this amendment will take away one of the ways of collecting taxes. The Act does provide that they can file a lien against the property, they can take the personal property on the premises, or they can place the property owner in jail. I have been told that this is a good Act, because it holds a weapon over the property owner and makes him pay his taxes. They also added that no tax collector would think of putting a delinquent in jail.

Now, I want to call the attention of the members of this Senate to the fact that they do put delinquents in jail. In 1932 five were arrested in Westmoreland County and placed in jail. The amount of taxes involved in the case of one of those arrested was $5.60. The man remained in jail several days—until it was brought to the attention of the Court. They then discovered that it had cost the county $32.00 to keep that man in jail for a five dollar tax. The Court was indignant, and immediately ordered his release.

There have been fifteen arrested in the last seven years. There were three imprisoned in Armstrong County, and they were very much embittered over the arrest, and there was much criticism over this action. In Pittsburgh—in which city I have the honor to reside—there was a World War veteran imprisoned for the non-payment of his taxes, and he died in jail.

This proposed amendment will do one thing—it will prevent the tax collector from placing anyone in jail for

the failure to pay taxes. In this day and age an Act such as this should not be on the Statute Books; it should not be there to strike fear and terror into the hearts of those who fail to pay their taxes. It has been used against the poor of our communities, but I know many men who did at one time have considerable material wealth, who now owe several years' taxes, sometimes on a great deal of property; and if this is allowed to continue it will be not only the little property owner who will go to jail but perhaps many persons of influence and wealth of former days. So I ask the members of the Senate to vote "aye" on this bill—or, amendment.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harvey,	Norton,	Rodgers,
Batchelor,	Homsher,	Owlett,	Rupp,
Baumer,	Howell,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Centre)
Ealy,	Mallery,	Reed,	Thompson,
Frey,	McClure,	(Washington)	(Westmoreland)
Gelder,	McCreesh,	Rice,	Trainer,
Graff,	McGinnis,	Roberts,	Ziesenheim,
Harris,	Miller,		

NAYS—2

Buckman,	Clark,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 577 (House Bill No. 1281), on third reading, entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State normal Schools or Teachers College abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

be recommitted to the Committee on State Government.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED (Washington). Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. REED ((Washington). Mr. President, may I inquire of the Senator from Philadelphia, Mr. Shapiro, the purpose of recommitting this bill?

Mr. SHAPIRO. Mr. President, the purpose of recommitting the bill is so that we may, if possible, amend it. We do not think this bill would give the Governor of the Commonwealth the right to make contracts for the sale or leasing of mineral rights on land owned by the Government. It places all the power to do this in him without any restrictions; it includes the power to make contracts upon such conditions and for such considerations as he sees fit. We do not think this is a god law, or good policy. We think the power to make contracts should be placed under the control of the proper State authority who should have some say in determining upon what terms, under what condition and for what price the contract shall be made.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 608, enitled:

An Act to amend article twenty of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; by prescribing the powers and duties of the boards of trustees of State Teachers Colleges and the Cheyney Training School for Teachers; repealing inconsistent legislation.

And said bill having been read ot length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Aron,	Gelder,	McClure,	Shapiro,
Batchelor,	Graff,	Norton,	Sordoni,
Bean,	Harris,	Owlett,	Staudenmeier,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Prince,	(Westmoreland)
Chapman,	Howell,	Reed,	Trainer,
Clark,	Hunsicker,	(Dauphin)	Woodward,
Coyne,	Mallery,	Salus,	Ziesenheim,
Ealy,			

NAYS—18

Baumer,	Lanius,	Rankin,	Rodgers,
Cavalcante,	Law,	Reed,	Rupp,
Frey,	McCreesh,	(Washington)	Sones,
Huffman,	McGinnis,	Rice,	Thompson,
Kahle,	Pytko,	Roberts,	(Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

QUESTION OF PERSONAL PRIVILEGE

Mr. KAHLE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Clarion, Mr. Kahle, will state his question of personal privilege.

Mr. KAHLE. Mr. President, I wish to state the reason for my voting as I did on this bill. I voted "no" on this bill for this reason: I spoke to the sponsor of the bill, Senate Bill No. 608, and asked him what the purpose of the bill was. He told me it was merely a change permitting—in place of the Department of Property and Supplies purchasing what was needed for these institutions, it would be turned over to the Board of Trustees, and the officials; but I find, further, that this bill not only does that, but, during the Fisher Administration, when I was in the House, that procedure was conducted in that way, and Governor Fisher realized that it was not a good method, and at that time considered it a step forward to place the bill as it had been theretofore. Now we are placing it back—going right back a step; we are not only giving the trustees the right to purchase, which I do not object to so much, but it takes from the Administration the power of appointing officers, from the highest to the lowest, and so forth. It takes them entirely away from the Administration; and for that reason I voted "no" on this bill.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 666, entitled:

An Act regulating the motor vehicle junk business; requiring a certificate of approval from the local authorities, and a license from the Secretary of Revenue to conduct such business, and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to interrogate the sponsor of the bill, the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I will

Mr. SHAPIRO. Mr. President, this bill is designated as a bill for the public health. It provides, amongst other things, that the Secretary of Revenue shall have the right to examine proposed locations for the storage of motor vehicles, and also that wherever two motor vehicles, that cannot be used, are set upon ground near a public highway that ground shall be declared, or considered, a junk ground.

I should like the sponsor of this bill, the Senator from Allegheny, Mr. Harris, to explain first of all, what relation that has to public health.

Mr. HARRIS. Mr. President, I recognize that the Senator from Philadelphia, Mr. Shapiro, reads all the bills very carefully; but he mentions just one feature of this bill. The bill provides that every municipality shall have the right to pass ordinances, or zoning laws, to prohibit the placing of two or more abandoned or unregistered automobiles. It does not drive these people out of business; it merely gives the local communities the right to say where these junk yards shall be placed. It is designed to prevent the disfiguring of the scenery, or the operating of a nuisance, or the instituting of an eye-sore in any community. Also, it was designed for the purpose of assuring safety to the drivers of motor vehicles along the highways, by keeping junk dealers from piling automobiles to such a height that they would endanger the life or limb of those who are driving along the highways.

It is endorsed by the Garden Club of this State. This organization has made a study of this situation, and they have found that this sort of thing constitutes a nuisance.

Now then, answering the question of the Senator from Philadelphia, Mr. Shapiro, I say to you that anything that disfigures, anything that tends to depress a neighborhood, anything that would bring to the neighborhood such odors as sometimes emanate from these automobiles that are discarded, constitutes a menace to the public health.

Mr. SHAPIRO. Mr. President, I desire to ask the Senator from Allegheny, Mr. Harris, whether he has not confused his odors?

Mr. HARRIS. Mr. President, I have not confused the odors. I recognize the opposition to this bill comes from those who are engaged in this business of piling automobiles along our highways and along our public streets in our home towns. Several of the Senators have told me that this has occurred beside their own homes—one in the home town of Senator Chapman, another in the home town of Senator Howell; and there were several others who considered these an eye-sore.

Mr. SHAPIRO. Mr. President, I desire further to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, permit himself to be interrogated further?

Mr. HARRIS. Mr. President, I shall be very pleased to.

Mr. SHAPIRO. Mr. President, I understood from what the Senator from Pittsburgh, Mr. Harris, said, that this bill was intended to give to the local authorities the right to regulate these junk shops. If I am correct, I call the attention of the Senator from Pittsburgh, Mr. Harris, to Section 5 of the bill, which gives the right to the Secretary of Revenue to regulate these junk shops. I read from Section 5, page 4: "Secretary of Revenue may Impose Conditions. The Secretary of Revenue or his representatives shall examine the location or proposed location of each motor vehicle junk yard or business adjacent to any highway and said Secretary may make reasonable general regulations concerning and applicable alike to the establishment operation or maintenance of all such yards."

I call the attention of the Senator from Pittsburgh, Mr. Harris, further to the fact that in Philadelphia we regulate those junk yards ourselves; but that under the provisions of this bill we would be restrained from regulating them and would be obliged to abide by such rules and regulations as may be imposed by the Secretary of Revenue.

Mr. HARRIS. Mr. President, the permission of the Secretary of Revenue begins only after the local authorities have passed on the location.

Mr. SHAPIRO. Mr. President, I desire to state further that the Senator from Allegheny, Mr. Harris, is mistaken with regard to his bill—because that provision, as the bill shows, relates to another provision of the Act, which gives the Secretary of Revenue the right to regulate only those

highways which are adjacent to a public highway. Undoubtedly, the bill might have been intended to refer to public highways only, but Section 5 deals—

The PRESIDENT. Are both Senators making speeches, or is this an interrogation?

Mr. SHAPIRO. Mr. President, this is in the nature of an interrogation, and I desire to finish my statement by asking the Senator from Allegheny, Mr. Harris, if it is not true that there is confusion in the bill, in that the Secretary of Revenue is given the right to supervise and give permission for sites granted by the local authorities, in one section, and in another section the Secretary of Revenue is given the right to regulate any junk shop on any highway?

Mr. HARRIS. Mr. President, the speech of the Senator from Philadelphia, Mr. Shapiro, was so long that I have lost what he was asking me; but I will answer by saying—and I will make it so plain that even the Senator from Philadelphia, Mr. Shapiro, will understand—this bill gives a right to the local communities to pass ordinances so that they shall first decide the question. It does not reach the Secretary of Revenue until after the local authorities have passed on it. It does not take away a bit of Home Rule.

Mr. SHAPIRO. Mr. President, in view of the confusion which is apparent, with regard to this bill, I ask unanimous consent that the bill go over in its order, so that even the Senator from Pittsburgh, Mr. Harris, may understand what its terms are and may straighten it out.

The PRESIDENT Is there objection?

Mr. HARRIS. Mr. President, there is no confusion at all. I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Lanius,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Coyne,	McClure,	(Washington)	Trainer,
Ealy,	McCreesh,	Rice,	Woodward,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Graff,	Miller,	Rodgers,	

NAYS—3

Gelder,	Kahle,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 704, entitled:

An Act making an appropriation to the Louise Tuberculosis Home Mill Creek Township Erie County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 751, on third reading, entitled:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 752, entitled:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Baumer,	Homsher,	Pierson,	Salus,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Kahle,	Pytko,	Sordoni,
Buckman,	Lanius,	Reed,	Staudenmeier,
Cavalcante,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Centre)
Ealy,	McClure,	(Washington)	Thompson,
Frey,	McCreesh,	Rice,	(Westmoreland)
Gelder,	McGinnis,	Roberts,	Trainer,
Graff,	Miller,	Rodgers,	Woodward,
Harris,	Owlett,	Rupp,	Ziesenheim,

NAYS 10

Aron,	Coyne,	Hunsicker,	Rankin,
Batchelor,	Harvey,	Norton,	Shapiro,
Chapman,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 769, entitled:

An Act to amend sections four, five, seven and twelve of the act, approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled, as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a Bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith," as amended; changing the requirements of medical educational institutions and applicants for examinations and licensure; and defining new ground for the refusal or revocation of licenses.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent that Senate Bill No. 781 (House Bill No. 1236) on third reading, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing certain exemptions from the payment of fees provided for therein.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 804, on third reading, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 834 (House Bill No. 1788), entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commssions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the sal-

aries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by changing the names of the State Association and training schools for nurses.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	Ziesenheim,

NAYS—1

Gelder,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 849, entitled:

An Act to amend Article XIX of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by adding thereto Section 181, regulating the procedure to be followed when such cities find it necessary to reduce the number of police officers or firemen.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rodgers,
Batchelor,	Harvey,	Owlett,	Rupp,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,		Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question wos determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 911 (House Bill No. 1459), entitled:

An Act to further amend sections one and two, and to add sections two A, two B, two C and two D, to the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 900), entitled "An act relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs for and as fresh, that are not fresh eggs, or of branding or of labeling or marketing eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," providing standards for fresh eggs and prohibiting illegal sales and misbranding.

And said bill having been read at length the third time, and agreed,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Graff,	Owlett,	Rodgers,
Batchelor,	Harris,	Pierson,	Rupp,
Baumer,	Harvey,	Prince,	Sones,
Bean,	Homsher,	Rankin,	Sordoni,
Bennett,	Howell,	Reed,	Staudenmeier,
Buckman,	Huffman,	(Dauphin)	Thompson,
Chapman,	Hunsicker,	Reed,	(Westmoreland)
Clark,	Mallery,	(Washington)	Trainer,
Coyne,	McClure,	Rice,	Woodward,
Ealy,	Norton,	Roberts,	Ziesenheim,
Frey,			

NAYS—11

Cavalcante,	Lanius,	McGinnis,	Shapiro,
Gelder,	Law,	Miller,	Thompson,
Kahle,	McCreesh,	Pytko,	(Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 955, entitled:

An Act making an appropriation to the Beulah Anchorage of Reading Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 500 (House Bill No. 445), entitled:

An Act supplementing the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fiifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing additional credit for service and prior service for State employes who were formerly employed as teachers principals or superintendents in the public school system of the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 513 (House Bill No. 1043), entitled:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (P. L. 50), entitled "An act to permit disabled soldiers to peddle by procuring a license therefore without charge" as amended governing the issuing of licenses

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. COYNE. Mr. President, I move that Senate Bill No. 517 (House Bill No. 738), on second reading, entitled:

An Act to amend section seven hundred and two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34), entitled "An act to regulate restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board Department of Public Instruction other officers of the State government courts and district attorneys the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and other making disposition of the receipts from State stores and of license fees and imposing penalties" providing that one-half of all fines and penalties shall be paid to counties

be recommitted to the Committee on Law and Order.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BATCHELOR. Mr. President, I do not know why this motion should prevail. If I understand this question, under the present act a representative of the Liquor Control Board comes into your county and makes certain prosecutions; that is, the cases are taken before our county courts. And then the Revenue Department, or the State Liquor Control Board, want their money; and this bill is introduced here so that half of the funds may be returned to the county—which would compensate them for the costs of prosecution. I do not know of any reason in the world why the costs of prosecuting liquor cases should all be bourne by the county. I think this is a good bill. I am going to vote against this motion.

Mr. COYNE. Mr. President, my purpose in moving to recommit this bill was to so amend it as to have the county get all the funds—to have it so amended if possible.

Mr. BATCHELOR. Mr. President, of course the bill may be amended on the floor; but if that is the purpose of sending it back to committee, I certainly will agree to support the motion of my colleague, the Senator from Allegheny, Mr. Coyne.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 547, as follows:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the miantenance of said highways prior to their coming under the jurisdiction of the Department of Highways" providing a procedure for the vacation of such abandoned State highways without the necessity of a view

Section 1 Bt it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where any section of a State highway route as now or hereafter defined by law shall be or has been relocated under the authority of existing laws the portion of the public road or highway thus abandoned as a State highway route shall be maintained by and at the expense of the authorities responsible for the maintenance of said public road or highway prior to its having been established as a State highway

Where the Secretary of Highways shall certify to the authorities responsible for the maintenance of such portion of a public highway or road abandoned as a State

highway that such portion is useless for the convenience of the traveling public the said authorities shall have power by ordinance or resolution of the legislative body county commissioners or township supervisors responsible for the maintenance of the same after notice in writing to property owners and lessees residing along such abandoned highway to declare such portion vacated as a public road and upon a certified copy of said ordinance or resolution being filed in the office of the clerk of the court of quarter sessions together with the certificate of the Secretary of Highways the portion of the public road so abandoned as a State highway shall be deemed vacated as a public road without the necessity of a view as provided by law unless any person aggrieved by such vacation shall within six months after such ordinance or resolution was filed in the office of the clerk of the court petition the court of quarter sessions to set aside such vacation In such cases the court shall fix a time and place for hearing of which notice shall be given as the court may direct After hearing the court shall enter such order either sustaining the action of vacation or setting the same aside as to it appears proper Where any such vacation is set aside the same shall not prejudice future proceedings by view to vacate any such portion of a public highway abandoned as a State highway

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 958, as follows:

An Act making an appropriation to the Coudersport General Hospital

Section 1 Be it enacted by the Senate and Houose of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Coudersport General Hospital for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 959, as follows:

An Act making an appropriation to the Northern Tier Home Harrison Valley Potter County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Northern Tier Home Harrison Valley Potter County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL NO. 71

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 71, Printer's No. 146, entitled "An Act to amend section forty-two of and to add section thirty-five A to the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled 'An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties' adding certain provisions relating to the conduct of elections and primaries and the challenge and proof of qualifications of electors and changing certain penalties."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LACKAWANNA COUNTY

Bert L. Liles, Scranton, May 4, 1935.
Carmine Pettinato, Carbondale, May 13, 1935.

MONTGOMERY COUNTY

I. Ely Hough, Ambler, May 5, 1935.
John E. Ward, Conshohocken, May 11, 1935.

ALLEGHENY COUNTY

Karl A. Lauer, Jr., Pittsburgh, May 11, 1935.
Mrs. Margaret Lyon Merritt, Pittsburgh, May 11, 1935.

PHILADELPHIA COUNTY

Miss Carmela Busillo, Philadelphia, May 11, 1935.
William I. Greenfield, Philadelphia, May 11, 1935.
Miss Helen G. McGee, Philadelphia, May 25, 1935.
Ralph C. Young, Philadelphia, May 25, 1935.
George B. Lucke, Philadelphia, May 26, 1935.
Miss Ida E. Fenstermacher, Philadelphia, May 28, 1935.

CAMBRIA COUNTY

Miss Marie J. Stehlin, Johnstown, May 12, 1935.

BRADFORD COUNTY

William J. Moon, Sayre, May 13, 1935.

DELAWARE COUNTY

Joseph L. Cavender, Upper Darby, May 18, 1935.

SUSQUEHANNA COUNTY

Louis A. Fine, Forest City, May 18, 1935.

WESTMORELAND COUNTY

Dean E. Lohr, Latrobe, May 25, 1935.

LEHIGH COUNTY

Mrs. Lutie B. Sieger, Coplay, May 26, 1935.

YORK COUNTY

Mrs. Gladys R. Gable, Dallastown, May 26, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Marcella Blackwell, 220 Auburn St., Pittsburgh.
A. S. Carson, 26th and A. V. R. R. Sts., Pittsburgh.
P. M. Leahy, 925 Frick Bldg., Pittsburgh.

CUMBERLAND COUNTY

Mrs. Marguerite H. Frink, Lemoyne.

LUZERNE COUNTY

Cleon O. Hanson, Wilkes-Barre.

MONTGOMERY COUNTY

John H. Casselberry, Norristown.
Perry Greenspan, Roslyn.

PHILADELPHIA COUNTY

Miss Margaret T. Dougherty, 3130 N. Broad St., Philadelphia.
Miss Frances K. McGlynn, Wissahickon Ave. and School Lane, Philadelphia.
Clarence B. Wrigley, 1650 Real Estate Trust Bldg., Philadelphia.

WESTMORELAND COUNTY

Fred J. Broad, New Kensington.
Miss Edna Durst, Greensburg.

GEORGE H. EARLE.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1021, entitled:

An Act to amend section three of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 801), entitled "An act authorizing the State Highway Department, the Public Service Commission, counties, cities, boroughs, and townships to purchase, or condemn by the right of eminent domain, free and unobstructed view over and across lands at certain highway, railroad, and railway intersections and curves, so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways; and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view," by providing for condemnation proceedings and assessment of damages.

House Bill No. 1143, entitled:

An Act to amend section one of the act, approved the twentieth day of December, one thousand nine hundred and thirty-three (1933-34 P. L. 89), entitled "An act appropriating the moneys in The State Stores Fund;" making appropriations for the payment of refunds.

House Bill No. 1156, entitled:

An Act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees and providing for the payment of certain dues, fees, assessments, fines and appropriations thereto; regulating membership therein; creating a Board for the management thereof; providing the amount, mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act.

House Bill No. 1815, entitled:

An Act to amend section five of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," providing that dishes, glasses, and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

RESOLUTION RELATIVE TO PAINTING WHITE LINES ON HIGHWAYS

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House

of Representatives, which was twice read as follows and referred to the Committee on Highways.

In the House of Representatives, April 10, 1935.

Whereas, The painting of white lines on the State highways is a very effective safety measure and is a great aid to motorists in foggy weather and during the night in driving over mountain ranges; therefore be it

Resolved (if the Senate concur), That it is the sense of the General Assembly that white lines should be painted on the center of all primary State highways over the mountain ranges, and in order to distinguish such lines from those placed on highways as safety measures to warn motorists not to pass vehicles at dangerous spots, that such white lines be broken with blank spaces of approximately ten feet each.

Resolved, That a copy of this resolution be transmitted to the Department of Highways by the Chief Clerk of this House.

JOINT LEGISLATIVE COMMITTEE TO DEVELOP PLONS FOR PARTICIPATION IN THE CELEBRATION OF THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF SIGNING OF CONSTITUTION OF THE UNITED STATES

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Federal Relations:

In the House of Representatives, March 12, 1935.

Whereas, The One Hundred and Fiftieth Anniversary of the signing of the Constitution of the United States occurs September 17, 1937; and

Whereas, The Congress of the United States has adopted a resolution calling for the participation of the Federal Government in a celebration of this historic event; therefore be it

Resolved (if the Senate concur), That the Speaker of the House of Representatives shall appoint three members of the House, and the President Pro Tempore of the Senate shall appoint two Senators, who, together, shall constitute a Joint Legislative Committee, whose duty it shall be to develop plans for participation by the Commonwealth of Pennsylvania in the celebration of the One Hundred and Fiftieth Anniversary of the signing of the Constitution, and to make report to the General Assembly of 1937 of the plans proposed and any legislation necessary to carry the same into effect.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

WORKMEN'S COMPENSATION REFEREES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Augustine P. Conniff, Wilkes-Barre, Luzerne County, for the appointment as Workmen's Compensation Referee, vice Asa E. Lewis, removed from office, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Thomas Lawly, Hollidaysburg, Blair County, for appointment as Workmen's Compensation Referee, vice Myrle T. Beringer, whose term expired, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Carroll L. Rutter, of Pottstown, Montgomery County, as a Workmen's Compensation Referee, vice Mrs. Winifred Notman Prince resigned, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

MEMBER OF THE BOARD OF FISH COMMISSIONERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Charles A. French, of Ellwood City, Lawrence County, as a member of the Board of Fish Commissioners, vice John Hamberger, resigned, for the term of six years.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 16, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for the terms of four years to compute from the date of confirmation:

CAMBRIA COUNTY

Mrs. L. Margaret Wilkinson, Ebensburg.

LUZERNE COUNTY

Mrs. Frances James, Duryea.

LYCOMING COUNTY

Lester William Veley, Jersey Shore.

MERCER COUNTY

Miss Madeline M. Brosie, Sharon.

VENANGO COUNTY

Loren D. Schoppe, Franklin.

WASHINGTON COUNTY

H. W. Gray, Washington.

YORK COUNTY

Mrs. Helen Keller, York.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 16, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for a term of four years to compute from the date set opposite his name:

ALLEGHENY COUNTY

George B. Herwick, McKeesport, April 21, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 17, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the

following persons for appointment as Notaries Public, for the terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Evelyn L. Keefe, Pittsburgh, 2851 Bedford Ave.

CARBON COUNTY

Edward T. Royer, Weatherly.

LEHIGH COUNTY

Harry T. Armstrong, Fountain Hill.
Mrs. Irene M. Gillespie, Catasauqua.

MONTGOMERY COUNTY

Daniel Signore, Ambler.

PHILADELPHIA COUNTY

Harry F. Deibel, Phila., 1515 N. Broad St.
John R. Johnstone, Phila., 819 N. 11th St.
Charles F. Larrisey, Phila., 2832 "A" St.
Edward G. Lotwick, Phila., Cedar and Westmoreland Sts.
Vincent A. Spano', Phila., 5751 Woodcrest Ave.

WESTMORELAND COUNTY

E. M. Frye, Monessen.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for the terms of four years to compute from the date set opposite their names:

DELAWARE COUNTY

Harry R. C. Robinson, Chester, April 20, 1935.

ALLEGHENY COUNTY

C. C. Meyer, Pittsburgh, April 24, 1935.

LAWRENCE COUNTY

E. F. Connelly, New Castle, April 28, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for the terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Fred P. Benthin, Pittsburgh, 505 Frick Bldg.
George E. Kelsch, McKeesport.
M. G. Wolff, Pittsburgh, 359 Sixth Ave.

BUCKS COUNTY

Edwin W. Henry, Jr., Hulmeville.

INDIANA COUNTY

Miss Hester A. Donaldson,, Indiana.

PHILADELPHIA COUNTY

Miss Florence E. Lindsay, Phila., 213 S. Broad St.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for the terms of four years to compute from the date set opposite their names:

LACKAWANNA COUNTY

Bert L. Liles, Scranton, May 4, 1935.

MONTGOMERY COUNTY

I. Ely. Hough, Ambler, May 5, 1935.

ALLEGHENY COUNTY

Karl A. Lauer, Jr., Pittsburgh, May 11, 1935.
Mrs. Margaret Lyon Merritt, Pittsburgh, May 11, 1935.

MONTGOMERY COUNTY

John E. Ward, Conshohocken, May 11, 1935.

PHILADELPHIA COUNTY

Miss Carmela Busillo, Philadelphia, May 11, 1935.
William I. Greenfield, Philadelphia, May 11, 1935.

CAMBRIA COUNTY

Miss Marie J. Stehlin, Johnstown, May 12, 1935.

BRADFORD COUNTY

William J. Moon, Sayre, May 13, 1935.

LACKAWANNA COUNTY

Carmine Pettinato, Carbondale, May 13, 1935.

DELAWARE COUNTY

Joseph L. Cavender, Upper Darby, May 18, 1935.

SUSQUEHANNA COUNTY

Louis A. Fine, Forest City, May 18, 1935.

PHILADELPHIA COUNTY

Miss Helen G. McGee, Philadelphia, May 25, 1935.
Ralph C. Young, Philadelphia, May 25, 1935.

WESTMORELAND COUNTY

Dean E. Lohr, Latrobe, May 25, 1935.

LEHIGH COUNTY

Mrs. Lutie B. Sieger, Coplay, May 26, 1935.

PHILADELPHIA COUNTY

George B. Lucke, Philadelphia, May 26, 1935.

YORK COUNTY

Mrs. Gladys R. Gable, Dallastown, May 26, 1935.

PHILADELPHIA COUNTY

Miss Ida E. Fenstermacher, Philadelphia, May 28, 1935.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. Sones,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr Sones,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. NORTON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON read in place and presented to the Chair, Senate Bill No 1038, entitled:

An Act to amend routes 06122 and 06123 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Which was committed to the Committee on Highways.

Mr. BENNETT. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BENNETT read in place and presented to the Chair, Senate Bill No. 1039, entitled:

An Act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones and flags; and for the compilation of war records.

Which was committed to the Committee on Military Affairs.

Mr. MILLER. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr MILLER read in place and presented to the Chair, Senate Bill No. 1040, entitled:

An Act to control and regulate the dispensing of alcoholic beverages at retail under licenses as defined dividing the Commonwealth into Retail Licensing Districts creating District Retail Licensing Boards defining their powers and duties and providing for employes of such boards and fixing salaries authorizing and restricting certain classes of licenses for the dispensing of alcoholic beverages and the issuing transferring revoking and suspending of such licenses and fixing certain license fees for different classes of such licenses and providing for the payment thereof prohibiting certain practices in dispensing liquors certain interests therein and connections therewith by licensees and others providing for the submission to the electors of certain municipalities and counties of the question whether certain classes of such licenses shall or shall not be granted for such municipalities making disposition of license fees and other monies and imposing penalties.

Which was committed to the Committee on State Government.

Mr. HUFFMAN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN read in place and presented to the Chair, Senate Bill No. 1041, entitled:

An Act to amend section one of the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 509), entitled "An act relating to petitions for laying out certain public roads, and to reports of viewers thereon," extending said act to the laying out of public roads for the benefit of property owners on vacated public highways.

Which was committed to the Committee on Highways.

ERRATA

Page 2149, column 2, strike out the last four lines;

Page 2150, column 1, strike out lines 1 to 23, inclusive.

Page 2154, column 2, after line 41, insert the following:

Mr. McGINNIS. Mr. President, I desire to interrogate the Senator from Berks, Mr. Norton.

The PRESIDENT. Will the Senator from Berks, Mr. Norton, permit himself to be interrogated?

Mr. NORTON. Mr. President, I will.

Mr. McGINNIS. Mr. President, will the Senator from Berks, Mr. Norton, explain to me briefly what this bill provides?

Mr. NORTON. Mr. President, the bill briefly provides that the County Commissioners will appoint the registrars in the several election districts according to the registration of each party instead of the vote cast at the general election.

Mr. McGINNIS. Mr. President, at the last general election?

Mr. NORTON. Mr. President, that is right.

Mr. McGINNIS. Mr. President, it is changing the practice as heretofore existing; is that not right?

Mr. NORTON. Mr. President, I did not hear the question.

Mr. McGINNIS. Mr. President, it changes the method of appointment so that it will be based on registration rather than on the vote cast at the last general election?

Mr. NORTON. Mr. President, that is right. And it applies to third-class cities only; not to second-class cities.

And the question recurring,

Shall the bill pass finally?

PROCLAMATION

The Chair cleared his table and laid before the Senate the following proclamation:

In the Name of and By the Authority of the Commonwealth of Pennsylvania

Governor's Office, Harrisburg, Pa.

Whereas, The Pennsylvania Legislative Correspondents' Association, consisting of friendly newspapermen, less friendly newspapermen, neutral newspapermen and members of The Record staff, is celebrating its fortieth anniversary; and

Whereas, This Association proposes to feature its celebration with an affair generally known about these premises as a "Gridiron Dinner"; and

Whereas, All of us, including the Administration and the Democratic House, and, I hope, especially the Republican Senate, will be subjected at this dinner to the heat of the newspaper frying pan; and

Whereas, It behooves all persons involved or connected with, directly or indirectly, the State Government and Pennsylvania politics to be present, although unable to defend themselves; and

Whereas, This dinner has been fixed by the correspondents for Wednesday evening, April 24, 1935, at 6:30 o'clock, in the Penn-Harris Hotel;

Now, Therefore, I, George H. Earle, Governor of the Commonwealth of Pennsylvania, with some trepidation do hereby designate and proclaim WEDNESDAY, APRIL 24TH, AS GRIDIRON DAY and call upon all interested persons to prepare themeselves for this event, laughingly called a Gridiron Dinner, and appear at the same at the appointed hour; and I further recommend that official business be relaxed and suspended, so far as possible, after the hour of 4 p. m., so we may the better groom ourselves for the blandishments of the newspapermen.

Given under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this eighteenth day of April, in the year of the Gridironers, forty, and of the Administration one.

GEORGE H. EARLE.

By the Governor:
DAVID L. LAWRENCE,
Secretary of the Commonwealth.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:58 P. M. until Tuesday morning, April 23, 1935, at 11 o'clock.

HOUSE OF REPRESENTATIVES

MONDAY, April 22, 1935

The House met at 9:00 p. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Alton M. Motter, Pastor Lutheran Church of the Redeemer, Harrisburg offered the following prayer:

Our Heavenly Father, Thou who hast created the Universe and within man has placed Thy own spirit, we thank Thee that Thou art, from generation to generation, revealing unto man, Thy divine will. We thank Thee for the great pioneers who are revealing Thy will in the realm of science and nature. But especially are we grateful tonight for that great group of social prophets who have ever sought to interpret Thy will in a civilization where men must walk and live and have their being.

Guide, then, the deliberations of this body that our human laws may be but expressions of the divine laws of the universe. Revive in them the spirit of the great interpreters and builders of the past. As our forefathers rejoiced to die for their country, may they discover today more honorable ways for their represented people to live for their country.

Grant them wisdom so as to refashion all law that it may become the true expression of the fairer ideals of human brotherhood which are now seeking their incarnation in our day. Kindle in all of our hearts, O God, the passion to make the commonwealth of our state, the cooperative commonwealth with other states and nations, in which both government and industry shall be of the people, by the people, and for the people.

May we, who now live, by our loyalties see the oncoming of the great day of God, when all men shall stand side by side in equal worth and real freedom, all toiling and all reaping, masters of nature but brothers of men, following Thee, the scource of all blessings, the Father of all peoples. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 18, 1935.

The Clerk proceeded to read the Journal of Thursday, April 18, 1935, when, on motion of Mr. O'NEIL the further reading was dispensed with and the Journal approved.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There are a number of unsigned bills in the House Library. If the members do not sign them tonight it will be too late to introduce them. These bills have been prepared by the Legislative Reference Bureau at the request of the members.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

GRIDIRON DAY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg,

In the Name of and By the Authority of the Commonwealth of Pennsylvania

PROCLAMATION

Governor's Office, Harrisburg, Pa.

Whereas, The Pennsylvania Legislative Correspondents' Association, consisting of friendly newspapermen, less friendly newspapermen, neutral newspapermen and members of The Record staff, is celebrating its fortieth anniversary; and

Whereas, This Association proposes to feature its celebration with an affair generally known about these premises as a "Gridiron Dinner;" and

Whereas, All of us, including the Administration and the Democratic House, and, I hope, especially the Republican Senate, will be subjected at this dinner to the heat of the newspaper frying pan; and

Whereas, It behooves all persons involved or connected with, directly or indirectly, the State Government and Pennsylvania politics to be present, although unable to defend themselves; and

Whereas, This dinner has been fixed by the correspondents for Wednesday Evening, April 24, 1935, at 6:30 p. m., in the Penn-Harris Hotel;

Now, Therefore, I, George H. Earle, Governor of the Commonwealth of Pennsylvania, with some trepidation do hereby designate and proclaim WEDNESDAY, APRIL 24th, as Gridiron Day and call upon all interested persons to prepare themselves for this event, laughingly called a Gridiron Dinner, and appear at the same at the appointed hour; and I further recommend that official business be relaxed and suspended, so far as possible, after the hour of 4 p. m., so we may the better groom ourselves for the blandishments of the newspapermen.

Given under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this eighteenth day of April, in the year of the Gridironers, forty, and of the Administration, one.

GEORGE H. EARLE.

By the Governor:
DAVID L. LAWRENCE,
Secretary of the Commonwealth.

PETITION

The SPEAKER laid before the House the following petition which was read by the Clerk.

BLUE LAWS

A petition from the Ladies Aide Society of East Butler Borough, Butler County, protesting against anti-sabbath legislation.

Referred to the Committee on Law and Order.

LEAVE OF ABSENCE

Mr. KANE asked and obtained leave of absence for himself for tomorrow.

RESOLUTION NO. 124

Mr. COAKLEY. Mr. Speaker I desire to call up at this time Resolution No. 124 Printer's No. 738.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 15, 1935.

Whereas, The State Emergency Relief Board has created a Northampton County Relief Board to administer the relief funds made available for said county; and

Whereas, The Department of Labor and Industry has established a State employment office in the Cities of Bethlehem and Easton, Northampton County; and

Whereas, There have been numerous complaints of gross abuse of the discretionary power and authority vested in the Northampton County Relief Board and in the State employment offices at Bethlehem and Easton, and it is reported that certain groups and individuals have been discriminated against; therefore, be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of three Members of the House of Representatives, whose duty it shall be to make a rigid investigation of the conduct and operation of the Northampton County Relief Board of the Bethlehem and Easton employment offices, and to investigate such facts and circumstances surrounding the conduct of such board and office as it deems necessary for the information of the House of Representatives;

Resolved, That said committee shall make a report to the House of Representatives during this session as early as possible;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

HOUSE BILL NO. 450 TAKEN FROM TABLE

Mr. SIMON. Mr. Speaker, I move that House Bill No. 450, Printer's No. 100, entitled:

An Act to amend section two of the act approved the twenty-eighth day of June, one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act, entitled, 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," as amended; providing for payments to relief fund associations of fire departments and fire companies of cities, boroughs and townships which afford fire protection to near or adjacent boroughs and townships.

which was laid on the table be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. SIMON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to

Mr. SIMON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SIMON. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 2, page 3, line 10 by inserting after the word "commissioners" and before the word "as" the following "or supervisors"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1841, entitled:

An Act to amend section twenty-five of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by reducing the number of days the machines must be locked following a fall primary.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1842, entitled:

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates for National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of offenses provided for herein and repealing inconsistent legislation" as amended by limiting the time in which final computation of the returns must be made following any fall primary.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2175, entitled:

An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and seventeen (Pamphlet Laws three hundred twenty-two) entitled "An act to give protection and to regulate the catching or taking or having in possession within this Commonwealth of any bullfrogs tadpoles and terrapin and providing penalties and punishments for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how and by whom the costs in such cases shall be paid" providing penalties for catching or killing bullfrogs tadpoles or terapin out of season.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2117, entitled:

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1432, entitled:

An Act regulating the use of the public highways of this Commonwealth for the transportation of anthracite coal thereover by motor vehicle requiring a permit from the Public Service Commission in certain cases requiring permittees to establish ability to pay damages for personal injuries and property damage authorizing the Public Service Commission to make rules and regulations including the hours of service of operators of motor vehicles so used and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Coal Trucking Law of 1935"

On the question

Will the House agree to the section?

BILL RECOMMITTED

Mr. HOLSTROM. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2063 as follows:

An act authorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department under certain terms and conditions and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Highways with the approval of the Governor is hereby authorized to purchase in fee simple all or any portion of any tract or plot of land through which any State highway is or may be located if it shall appear that such purchase will be of greater advantage to the Commonwealth than the condemnation of a right of way only and the payment of damages in the manner provided by law in such cases

Section 2 The Secretary of Highways is hereby further authorized in his discretion to lease or to sell all or any portion of or any right in or to any and all such land or improvements thereon situate or any other land or improvements thereon situate heretofore or hereafter acquired in any other way by or through or in any way connected with the operations of the Department of Highways if the same shall be no longer required for the use of the Department upon such terms and conditions and for

such consideration as may be approved by the Governor and the Attorney General

Section 3 As much of the money in the Motor License Fund as may from time to time be necessary to carry out the provisions of this Act is hereby specifically appropriated to the Department of Highways for such purpose

Section 4 All acts or parts of Acts inconsistent herewith are hereby repealed

Section 5 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1647 ,entitled:

An act relating to bail regulating the taking release forfeiture and denial thereof fixing the qualifications of bondsmen and sureties requiring the licensure of professional bondsmen conferring certain powers and duties on the Insurance Commissioner on district attorneys and clerks of courts providing for the recording of bail and the effect of such recording and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 DEFINITIONS The following words and terms shall for the purposes of this act be construed as herein defined

"Bail" is the security required and given for the release of a person who is in the cusotdy of the law that he will appear before any court in which his appearance may be required and that he will do or refrain from doing such things as are stipulated in the bail bond or recognizance hereinafter called the undertaking

"Admission of bail" is the order of an authorized court or official that a person be discharged from custody on his giving bail

"Taking of bail" is the acceptance of bail by an authorized court or official

"Release of bail" is the discharge of a person from the custody of the law on the taking of bail

The masculine pronoun as used herein shall be taken to include the feminine

On the question

Will the House agree to the section?

BILL RECOMMITTED

Mr. RUFFENNACH. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1823 as follows:

An act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following section of public road shall be adopted by the Commonwealth as a State highway to be constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing main State highways that is to say

Beginning at a point on Route 29 in Lewistown Borough at a point commonly know as Five Points thence northeasterly over Chestnut and Logan Streets and Logan Street extended crossing Kishacoquillas Creek to the Lewistown Borough-Derry Township line thence northeasterly and northerly through Derry Township recrossing Kishacoquillas Creek to an intersection with Route 29 in Derry Township about one-half mile south of Burnham Borough in Mifflin County a distance of about 1.2 miles

Section 2 So much of the money in the Motor License Fund as may be needed for the purposes of this act are hereby specifically appropriated to the Department of Highways

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1073, as follows:

An Act to amend section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-four) entitled "An act imposing a State tax payable by those herein defined as manufacturers and distributors on certain alcoholic beverages used or sold and delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale of alcoholic beverages taxable hereunder and providing penalties" as amended prohibiting the importation of beverages into this Commonwealth unless the State tax thereon has been paid

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-four) entitled "An act imposing a State tax payable by those herein defined as manufacturers and distributors on certain alcoholic beverages used or sold and delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale of alcoholic beverages taxable hereunder and providing penalties" as amended by the act approved the fifth day of December one thousand nine hundred and thirty-three (Pamphlet Laws fifty one thousand nine hundred and thirty-three one thousand nine hundred thirty-four) is hereby further amended to read as follows

Section 4 The payment of the taxes herein provided shall be evidenced by the affixing of malt liquor tax stamps or crowns to the original containers in which all malt liquors are placed received stored shipped or handled Such stamps or crowns shall be affixed to each individual container of malt liquors by manufacturers of this Commonwealth within twenty-four (24) hours and by distributors [within forty-eight (48) hours after such malt liquors are placed therein or received by them] where the stamps or crowns have not been attached by the manufacturer or by a producer or vendor from without this Commonwealth at or before the container reaches the border of this Commonwealth Nothing contained herein shall require stamps or crowns to be attached to containers of malt liquors which are transported through this Commonwealth and which are not delivered in this Commonwealth if transported in accordance with such rules

and regulations as may be adopted by the Department of Revenue

"Persons licensed as 'Public Service Liquor' licensees under the provisions of Article four Section four hundred thirteen of the Act of November twenty-nine nineteen hundred thirty-three Pamphlet Laws fifteen Special Session nineteen hundred thirty-three nineteen hundred thirty-four known as the 'Pennsylvania Liquor Control Act' shall not be required to evidence the payment of the tax herein provided for by affixing malt liquor tax stamps or crowns as provided for in this section but instead shall keep such records of the sales of malt liquors in this Commonwealth as the Department of Revenue shall prescribe shall submit monthly reports of such sales to the Department of Revenue upon a form prescribed therefor by said Department and shall pay the tax due by the provisions of this act at the time such reports are filed"

It is the intent and purpose of this section to require all manufacturers and distributors with the exception of public service liquor licensees to affix the stamps or crowns provided for in this act to all original containers in which malt liquors are normally placed prepared for market received sold or handled

Any manufacturer or distributor other than a public service liquor licensee who shall sell malt liquors to distributors retail dealers or consumers without affixing to the containers the stamps or crowns required by this act or in the case of a public service liquor lciensee without paying the tax herein provided for in the manner required by this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than two hundred dollars ($200.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term of not less than six (6) months or more than three (3) years

Any manufacturer or distributor who shall be convicted of a misdemeanor under this section shall in addition to the punishment heretofore prescribed be adjudged to pay to the Commonwealth the tax due together with interest at the rate of twelve (12) per centum per annum from the date when due and payable Such adjudication shall be certified to the prothonotary of the county and shall be indexed as and have the effect of a judgment for the amount of such tax and interest

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2127, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two hundred one Section three hundred one Section four hundred two Section five hundred one and Section one thousand eleven of the act approved the fifteenth day May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 201 Corporations and Persons Subject to Supervision of Department The Department shall have the power to supervise

(1) All corporations and persons which are authorized to receive or which do receive in this Commonwealth money on deposit or for safekeeping or which are authorized to engage or which do engage in this Commonwealth in a banking business and all corporations which are authorized to act or which do act in this Commonwealth as trustees guardians executors administrators or in other fiduciary capacities including banks bank and trust companies trust companies private banks [other than those exempted by this act] savings banks and mutual savings funds [and safe-deposit companies] but not including hotels or clubs which receive money from guests or members for temporary safe-keeping express steamship or telegraph companies which receive money for transmission and attorneys at law real estate agents and attorneys in fact who are not engaged in the business of receiving moneys in this Commonwealth for deposit or for transmission but receive and transmit moneys only as an incident to their general business or profession brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

(2) All building and loan associations authorized to transact or transacting business in this Commonwealth

(3) All national banking associations incorporated under the laws of the United States and located within this Commonwealth which are authorized to act [and] or which do act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities to the extent to which supervision by state authorities is or may be permitted under the laws of the United States

However when any corporation subject to the supervision of the Department of Banking shall also engage in a title insurance business a mortgage guarantee business or any other business subject to the supervision of

the Insurance Department such branch of its business shall not be subject to the supervision of the Department of Banking

Section 301 Relationships of Employes of Department with Institutions Penalty A Neither the Secretary nor any deputy examiner clerk or other employe of the Department nor any deputy receiver or other employe of the Secretary of Banking as receiver shall be an officer director trustee manager employe or shareholder of or directly or indirectly have any pecuniary interest in any institution nor shall he after becoming Secretary or a deputy examiner clerk or other employe of the Department or a deputy receiver or other employe of the Secretary of Banking as receiver directly or indirectly receive from any institution or from any officer director or employe thereof any sum of money or other property whether as a gift credit loan or otherwise However the Secretary or any deputy examiner clerk or other employe of the Department or any deputy receiver or other employe of the Secretary of Banking as receiver may secure from any institution a mortgage loan upon his own house upon the same terms and in the same manner as are provided by law for mortgage loans by such institutions upon real property and as are customarily imposed and followed by the institution making such loan

This section shall not be construed to prohibit the Secretary or any deputy examiner clerk or other employe of the department or any deputy receiver or other employe of the Secrtary of Banking as receiver from becoming a depositor in any institution

B A violation by the Secretary deputy deputy receiver examiner clerk or other employe of the prohibitions of this section shall constitute sufficient ground for his removal from office In addition the Secretary deputy deputy receiver examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money which he has directly or indirectly received in violation of this section

Section 402 Examination of Corporations or Persons Affiliated with Institutions A The Department of Banking shall have the power to supervise regulate limit or prohibit the activities of corporations or persons affiliated with institutions to the same extent as such activities of corporations or persons affiliated with national banking associations or with members of a Federal Reserve Bank are or shall be supervised regulated limited or prohibited by general law or by regulation issued by any Federal authority pursuant to law

B For the purpose of determining the condition of and obtaining full information about an institution the Department may examine and investigate the property assets books papers and affairs of any corporation or person affiliated with such institution A corporation or person shall be deemed to be affiliated with an institution for the purposes of this section if

(1) It is owned directly or indirectly by such institution

(2) It owns directly or indirectly such institution or

(3) It is owned directly or indirectly by the same person or corporation which owns directly or indirectly such institution or

(4) The election of a majority of its board of directors is controlled directly or indirectly by an instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors of such institution or

(5) A majority of its directors or a majority of the members of the executive committee of its board of directors are also directors of such institutions or

(6) Members of its board of directors constitute a majority of the board of directors or a majority of the executive committee of the board of directors of such institutions or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors of any such institution or comprise all or substantially all of the executive officers of any such institution or

(8) Its board of directors is composed of executive officers of any such institution or

(9) It dominates or controls in whole or in part the business or policy of such institution either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution

Provided however that the Department shall not have power to examine any corporation or person as an affiliated corporation or person under this section unless (1) it either directly or indirectly owns an institution or (2) within the preceding two-year period business transactions or relations existed between such corporation or person and the institution or (3) the institution within the preceding two-year period had outstanding loans secured in whole or in part by shares of stock or securities of such corporation or person or by any property in which such corporation or person was in any way or to any extent interested

For the purposes of this section the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of a corporation for the election of its directors shall be deemed to be ownership of such corporation

Shares of stock held in the name of a nominee of any corporation for the benefit of such corporation shall be deemed to be shares owned or controlled by the corporation

Section 501 Orders by Department A Whenever it shall appear to the department that any institution is violaing any provision of its charter or of this act or of any other law regarding the business of such institution or that such institution is conducting business in an unsafe or unsound manner the department may issue a written order under the seal of the department directing such institution to discontinue within such period as shall be specified in the order such violation of law or such unsafe or unsound practice

B Whenever it shall appear to the department that an attorney officer or employe of an institution and in the case of an unincorporated institution a director or trustee thereof shall have continued to violate any law relating to such institution or shall have continued unsafe or unsound practices in conducting the business of such institution after having been warned by the department to discontinue such violations of law or such unsafe or unsound practices the department may issue an order directing such attorney officers employe director or trustee to appear on the day fixed in such order before the Banking Board and show cause why he should not be removed from his office or position and such office or position declared vacant A copy of such order shall be sent to the institution of which such person is an attorney officer employe director or trustee and a copy of such order shall be sent to the Banking Board

The office or position of any attorney officer employe director or trustee so ordered by the department to appear before the Banking Board who does not appear on the day fixed in such order shall unless the date for his appearance shall previously have been extended by the department upon such failure to appear be declared vacant Notice of such failure to appear shall be given by the Banking Board to the department

On the day fixed by the board such attorney officer employe director or trustee shall be heard in person or by counsel by the Banking Board If after such hearing it shall appear to the Banking Board that such attorney officer employe director or trustee has not shown cause why he should not be removed from his office or position and such office or position declared vacant it shall within sixty days of such hearing notify the department of its decision Upon receipt of such notice or of notice that an attorney officer employe director or trustee has failed to appear on the day fixed the department shall issue an order directing the institution to remove such attorney officer employe director or trustee from his office or position and declare such office or position vacant a

copy of such order shall be sent to the attorney officer employe director or trustee so removed

The department shall set forth in its order the date upon which any such removal and declaration of vacancy shall become effective

If after such hearing it shall appear to the Banking Board that such attorney officer employe director or trustee has shown proper cause for not removing him or declaring his office or position vacant it shall within sixty days of such hearing notify the department to that effect

If the institution of which such attorney officer employe director or trustee is a member of a Federal Reserve Bank the Federal Deposit Insurance Corporation the Federal Home Loan Bank or the Federal Savings and Loan Insurance Corporation the department may notify such Federal Reserve Bank Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation of its order directing such attorney officer employe director or trustee to appear before the Banking Board and of the decision of the Banking Board At such hearing any duly authorized representative of such Federal Reserve Bank Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation may appear as a witness against such attorney officer employe director or trustee

Except as herein otherwise specifically provided the proceedings of the Banking Board and its decisions shall not be published or divulged to anyone

The decision of the Banking Board shall be conclusive and not subject to any review Any attorney officer employe director or trustee who is removed from his office or position as provided in this section shall forever thereafter be disqualified from acting as an attorney officer employe director or trustee of any institution in this Commonwealth

C There is hereby created a board to be known as the "Banking Board" which shall hear any attorney officer employe director or trustee of any corporation or person subject to the supervision of the Department of Banking who shall have been ordered by the Department of Banking to appear before such board to show cause why his office or position should not be declared vacant

The board shall consist of nine members one of which shall be the Secretary of Banking who shall act as chairman Two of its members shall be appointed by the Governor and may be removed from the board at his pleasure The remaining six members shall be appointed by the Governor from a list of nominations submitted to him as herein provided but they shall not be removed from office unless any such member shall have failed to attend six consecutive meetings of such board

(1) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities of Groups one and two of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

(2) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trusees guardians executors administrators or in any other fiduciary capacities of Groups three four five and six of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

(3) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities of Groups seven and eight of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

Such nominations shall be submitted to the Governor not less than thirty days before July first one thousand nine hundred thirty-five and bi-annually thereafter If such nominations are not so submitted to the Governor he shall appoint as members of the board attorneys officers employes directors or trustees of corporations or persons subject to the supervision of the Department of Banking two of whom shall be from Groups one and two of the Pennsylvania Bankers Association two from Groups three four five and six of the Pennsylvania Bankers Association and two from Groups seven and eight of the Pennsylvania Bankers Association but they shall not be removed from office unless any such member shall have failed to attend six consecutive meetings of such board

Such members shall be appointed to serve for two years from July one one thousand nine hundred and thirty-five and bi-annually thereafter and until their successors are duly appointed and have qualified Appointed members of the board shall qualify by giving written notice to the Secretary of Banking of their acceptance of such appointment

The board may by the vote of a majority of all its members excuse any member for failure to attend its meetings but if not so excused the office of the member who failed to attend six consecutive meetings shall be declared vacant and the vacancy filled as herein provided

Vacancies in the board caused by death resignation failure to attend meetings or otherwise shall be filled by the Governor

The board shall meet upon the call of the chairman notice of which shall be given to each member in writing not less than five days prior to the date fixed for such meeting.

A majority of all the members of the board in office shall be necessary to constitute a quorum for the transaction of business and the acts of a majority of the members who are present at a meeting at which a quorum is present shall be the acts of the board provided that the chaiman shall have no vote unless they be equally divided.

Members of the board shall serve without compensation but shall be entitled to personal expenses actually incurred in the performance of duties which if approved by the Department of Banking shall be paid by it

The board shall meet in the office of the Department of Banking for which purpose the Department of Banking shall furnish to the board adequate office space and such other facilities as are necessary for its administration The Department of Banking shall designate one of its employes to act as secretary to the board and shall furnish such other employes as may be required

The secretary shall keep full minutes of the proceedings of the board which shall be available only to the members thereof

In connection with any hearing or investigation the board shall have power to issue subpoenas requiring the attendance of or the production of pertinent books and papers by the officers directors agents employes or members respectively of any corporation or person which the department is authorized under the provisions of this act to examine The board shall upon application of the attorney officer employe director or trustee to be heard subpoena such witnesses as are set forth in such application The board shall also have the power to question such witnesses under oath or affirmation and to examine such books and papers

Any witness who refuses to obey a subpoena issued under this section or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed for which purpose such court is hereby given jurisdiction

[B] D Whenever it shall appear to the department that the capital of a corporation under its supervision has been impaired or the capital and surplus reduced below the minimum required by law or below the amount required by its articles of incorporation the department may issue a written order under the seal of the department directing such corporation to make good the deficiency within such period as shall be specified in the order

[C] E Whenever it shall appear to the department that the bond or securities of a person under its supervision which are required by law to be deposited with the department have depreciated in value so that their

present value is below the minimum amount required by law the department may issue a written order under the seal of the department directing such person to make good the deficiency within such period as shall be specified in the order

[D] F Whenever it shall appear to the department that any institution is not keeping its books and accounts in such manner as to enable the department with reasonable facility to ascertain the true condition of the institution the department may issue a written order under the seal of the department requiring such institution within such period as shall be specified in the order to open and keep such books as the department may in its discretion reasonably determine are essential for the purpose of keeping accurate and convenient records of the transactions and accounts of such institution

[E] G Whenever any institution shall refuse to submit its records and affairs to be legally conducted examination or investigation by the Department the department may issue a written order under its seal requiring such institution to permit the secretary or other duly authorized examiner to make such examination or investigation within such period as shall be specified in the order

Section 1011 Order of Preference in Distribution A The following shall be the order followed by the Secretary in the distribution pursuant to the provisions of this act of the assets of any institution with the exception of a building and loan association which he as receiver is liquidating

First Any expenditure made by the Secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the Department for examinations or other services rendered or penalties incurred prior to the taking of possession by the Secretary as receiver any deposit or other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by, law

Third Any deposit and any interest due thereon which has been or according to the by-laws or rules and regulations of the institution should have been credited to such deposit prior to the date of the taking of possession of the institution by the Secretary as receiver whether subject to withdrawal by check or by any other method not requiring notice or to withdrawal only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution any holder of a certified check drawn on the institution the claim of any holder of a certificate of deposit of the institution which evidences an actual deposit of moneys in such institution and any interest which may be due thereon whether such certificate of deposit is payable upon demand or is payable only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution the claim of any holder of a check or draft of the institution which has been given in exchange for or in payment of a check or draft drawn upon such institution by a depositor therein or which has otherwise been charged to the account of a depositor therein provided that the amount of such check or draft does not exceed the balance to the credit of such depositor or which has been given in exchange for cash or for any check or draft the proceeds of which have been received by the institution excepting claims which are preferred by the Bank Collection Act of 1931 any claim for cash or for any check or draft the proceeds of which have been received by the institution which was delivered to the commercial department of such institution as fiduciary either for transmission or for any purpose other than as a deposit irrespective of whether all or part of such cash or the funds realized from such check or draft has been mingled with the assets of such institution

Fourth Any claim for the amount of any deficiency in the funds property or investments of an estate of which the institution was fiduciary or any surcharge with respect to such estate which is found to be due by the court in which the account for such estate is filed and any claim of a creditor of the institution not listed under any other category in this section

Fifth Any part of the amounts paid by shareholders after an assessment upon them by the Secretary pursuant to the provisions of this act which has proved unnecessary to pay in full all depositors or other creditors of the institution such payments are to be made pro rata up to the respective amounts paid by each shareholder This clause shall not be construed to refer to payments made by shareholders on account of unpaid subscriptions to shares

Sixth Any moneys of the institution which still remain in the hands of the Secretary shall be paid to shareholders in proportion to the number of shares held by them respectively minus any amounts still owing by them on the assessment made by the Secretary pursuant to the provisions of this Act or on unpaid subscription to shares provided however if the Articles of Incorporation or any amendments thereto prefer any class of shareholders over another class then distribution shall be made in conformity with the Articles of Incorporation and any amendments thereto

Seventh Any unliquidated assets to trustees for shareholders appointed pursuant to the provisions of this Act

B The following shall be the order and preference followed by the Secretary in the distribution pursuant to the provisions of this act of the assets of any building and loan association the affairs of which he as receiver is liquidating

First Any expenditures made by the Secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the Department for examinations or other services rendered or penalties incurred prior to the taking of possession by the Secretary as receiver any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any claim of a creditor of the association other than the claim of a shareholder arising from his ownership of shares

Fourth Any claim of a shareholder arising from his ownership of shares whether such shares be installment full-paid prepaid matured or any other type The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

C Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

D All claims provided for in this section shall be construed to refer only to claims presented to the Secretary and approved by the court in accordance with the provisions of this act

Section 2 This act shall become effective immediately upon final enactment

Section 3 All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ANDREWS. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2096, as follows:

An Act to amend section two paragraph C of section three hundred thirteen paragraph C of section four hundred two sections four hundred eleven six hundred four six hundred sixteen six hundred eighteen paragraph D of section eight hundred two and section nine hundred ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" providing for bonds by officers directors and employes and for the imposition of membership and withdrawal fees and regulating dividends and loans on full-paid stock

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two paragraph C of section three hundred thirteen paragraph C of section four hundred two sections four hundred eleven six hundred four six hundred sixteen six hundred eighteen paragraph D of section eight hundred two and section nine hundred ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 2 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger or consolidation and also what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of the association

"Association" includes any building and loan association organized under this act or heretofore organized under or by virtue of any other law of this Commonwealth

"Authorized Capital" means the sum of the par value of the shares authorized to be issued by an association

"Corporation" means a corporation or a joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foreign country or dependency

"Department" means the Department of Banking of this Commonwealth

"Incorporator" means a signer of the original articles of incorporation

"Mortgage Loans" means loans which are secured pursuant to the provisions of this act by the bond of the borrower by a mortgage on real property and by installment shares

"Person" means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Shares" means the units into which the shareholders' rights to participate in the control of a building and loan association are divided

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "certificate of stock" as used in existing laws

"Share Loans" means loans which are secured pursuant to the provisions of this act by the note of the borrower and by prepaid full-paid or installment shares

"Shareholder" means a registered owner of shares in a building and loan association

"Subscriber" means one who subscribes for shares in a building and loan association whether before or after incorporation

"Written" includes printed typewritten engraved lithographed telegraphed cabled radiogramed photographed photostated tele-photographed or other form of recorded or transmitted message

B The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 313

C Immediately upon the adoption of the by-laws or of any additions thereto or any alteration amendment or repeal thereof notice of such fact and a copy of such by-law or such alteration amendment or repeal shall forthwith be sent to the Department of Banking [The Department of Banking shall have the power to disapprove for any reasonable cause stated in writing any such by-law or any such alteration amendment or repeal shall be effective until the department actually disapproves it and gives notice thereof to the association]

Section 402

C Every director shall during his term of office be a citizen of the United States and [a bona fide resident in] two-thirds thereof citizens of this Commonwealth [Every director shall own in his own name and free of any lien or encumbrance at least five shares of the association but the number of shares required to be owned by any person who is a director of an association upon the effective date of this act shall be the same as was required by the articles or by-laws of such association prior to the effective date of this act so long as such director shall serve continuously The share certificates of the passbook or other receipt for the minimum number of shares which each director is required to own free of any lien or encumbrance shall be filed unendorsed unpledged and unassigned by him with the treasurer of the association Such shares shall remain in the custody of the treasurer during the term of office of such director

Any director who during his term of service pledges assigns or in any manner ceases to be the owner in his own name of the number of shares which he is required to own free of any lien or encumbrance shall forthwith cease to be a director of the association and his office shall be vacant Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board]

Section 411 Bonds of Officers Directors and Employes A The officers directors and employes of every association [as well as any directors] who are authorized to receive payments of moneys or to handle negotiable securities on behalf of such association shall [before] upon entering upon the performance of their duties furnish to it bonds in such amount as is specified in such corporate surety as is approved by the directors [Such bond shall be conditioned upon the faithful performance of the duties of such officers directors or employes] The cost of such bonds may be paid by the association

B The department shall have the power at any time to disapprove of the condition or form of said bonds and to require any such officer [employe or director at any time] director or employe during his term of office or employment to furnish a bond in an amount greater than that required by the board of directors or it may require new or additional corporate surety

Section 604 Membership or Withdrawal Fees Other Charges An association shall not levy upon any shareholder or upon any corporation or person intending to be-

some [membership or] withdrawal fee or [charge not specifically] permitted by this act A membership fee may be charged not in excess of one quarter of one per cent of the par value of the stock which shall be paid into the general funds of the association

Section 616 Order of Payment and Funds to Be Used to Pay Matured or Withdrawn Shares Power to Sue A Withdrawn or matured shares shall be paid in the order in which the withdrawals become effective or the maturities are declared but withdrawals which become effective or maturities which are declared upon the same day shall be paid on a pro rata basis However the board of directors may at any time either authorize payment of withdrawn or matured shares on a pro rata basis or with the consent of the department fix a maximum amount to be paid periodically on such shares The action of the board of directors in authorizing payment to be made on a pro rata basis or in fixing a maximum amount to be paid periodically shall also apply to unpaid withdrawals which became effective or to unpaid maturities which were declared prior to the date on which such action was taken by the board of directors

B At least two-thirds of the funds in the treasury of an association shall be applied to the payment of matured or withdrawn shares whenever such amount is necessary for this purpose but the association shall first deduct such amount as shall be necessary to pay current expenses and interest or dividends on full-paid shares to protect or preserve the assets of the association and to make proper provisions for meeting such obligation as it may reasonably be expected to be compelled to pay Whenever two-thirds of the funds in the treasury other than such amounts as are required by this section to be deducted are insufficient to pay in full all matured or withdrawn shares one-third of such funds shall be applied to the payment of matured shares and one-third to the payment of withdrawn shares but if less than one-third of such funds shall be sufficient to pay in full all matured shares the balance of such one-third shall be applied to pay matured shares

[C Whenever funds are not available in the manner hereinbefore provided to pay any matured or withdrawn share upon which payment has been due for a period in excess of six months all the funds in the treasury other than such amounts as are required by this section to be deducted shall be applied to the payment of matured or withdrawn shares Whenever all of the funds in the treasury other than such amounts as are required by this section to be deducted are insufficient to pay in full matured or withdrawn shares one-half of such funds and one-half to the payment of withdrawn shares If less than one-half of such funds shall be sufficient to pay in full all matured shares the balance of such one-half shall be applied to pay withdrawn shares and conversely if less than one-half of such funds shall be sufficient to pay in full all withdrawn shares the balance of such one-half shall be applied to pay matured shares]

[D] C Whenever matured or withdrawn shares have not been paid by an association for a period of six months after the maturities have been declared or the withdrawals have become effective owing to the fact that the funds in the treasury which under this act are to be applied to the payment of such shares are insufficient to pay them in the treasury which under this act are to be applied to the payment of such shares are insufficient to pay them in full so much of the bonds or other obligations of the United States of the Commonwealth of Pennsylvania or of a Federal Home Loan Bank owned by the association as shall be necessary to pay such matured or withdrawn shares shall be sold and the proceeds paid into the treasury of the association to be used to pay such shares Provided however That such bonds or obligations need not be sold at the expiration of six months if the department shall give written permission to the association to hold such bonds and other obligations for a longer period of time And provided further That after the expiration of six months the department may order such bonds and obligations sold at any time for the purposes hereinbefore set forth

[E] D For the purpose of this section the words "funds in the treasury" shall be construed to include all moneys received by the association from any source whatsoever except money borrowed from the Federal Home Loan Bank

[F] E The holders of matured or withdrawn shares shall not have the power to sue for the amount due them by virtue of such maturity or such withdrawal until such time as under the provisions of this section such matured or such withdrawn shares should have been paid

Section 618 Restriction on Dividends on Full-Paid Shares The cash divident or periodical interest paid on flul-paid shares during any year shall not exceed the net rate of dividends earned during such year on all the outstanding shares of the association plus the undivided profits or surplus accumulated in prior years and less the amount thereof if any set aside as a reserve for contingent losses

Section 807

D An association shall not grant any mortgage loan if the amount of borrowed money owned by it to any corporation or person except the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than national banks exceeds [ten] twenty per centum of the amount paid in by shareholders on account of shares which have not been matured or for which notice of withdrawal has not been given but this provision shall not be construed to effect the right of an association to readjust or otherwise refinance any mortgage loan which it has granted

Section 910 Security for Share Loans An association may grant share loans to any of its shareholders upon the following security only The note of the borrower secured by the transfer and pledge to the association of installment full-paid or prepaid shares which have not previously been transferred or pledged to anyone other than the association the amount paid in on account of such shares prior to or at the time of the granting of any loan upon the security of such shares shall be at least equal to the total amount of all loans granted thereon

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House peoceeded to the second reading and consideration of House Bill No. 2133, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section five hundred five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belong to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the posession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or State supervision and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largely held by a few individuals and the length of time that said institution has been engaged in business under its charter Each such statement shall be verified by the oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2 Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure payment of deposits and interests to the Commonwealth of Pennsylvania with a proper warant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one-fourth of the total amount of the bond required Provided That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer of United States municipal or county bonds to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof provided that no bonus or other security shall be required on State depositories for State deposits to the extent that such State deposits are insured under the provisions of Section twelve B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market The said board may fix different rates of interest for active and inactive depositories and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day of which any change in interest rate shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and three banks or trust companies in other parts of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located in any of the counties above mentioned or in any other county of the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsoever to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The secretary shall however not vote on any question coming before the board

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 483, as follows:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such township to prohibit and regulate the manufacture sale and exposure of fireworks and other inflammable materials imposing penalties and conferring the right

to proceed in equity in exercise of the powers conferred hereby

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding clause twenty thereto to read as follows

XX Fireworks and Inflammable Articles To regulate and prohibit by resolution the manufacture sale or exposure of fireworks or other inflammable or dangerous articles to prescribe the qualities of inflammable articles that may be kept in place to prescribe such other safeguards as may be necessary and upon violation of any such regulation or prohibition to collect a penalty of twenty-five dollars from the person violating the same by summary proceedings In the exercise of the powers herein conferred the township may institute proceedings in courts of equity

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2134, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the powers of corporations and persons authoried to engage in a banking business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporatings with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows and that Section one thousand three of that act as last amended by the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws one hundred twenty-eight) is hereby further amended to read as follows

Section 1003 Interest on Deposits A A bank or a bank and trust company shall have the power to credit and pay on all deposits such interest as may be established from time to time by agreement or regulation Such interest shall be paid to the respective depositors or credited to their accounts at least annually and in the case of certificates of deposit interest shall be paid or accrued at least annually The department may from time to time limit by regulation the maximum rate of interest which may be paid by a bank or a bank and trust company may classify deposits according to maturities locations of banks and of bank and trust companies conditions respecting receipt withdrawal or repayment or otherwise as may be deemed advisable in the public interest and may prescribe different maximum rates for deposits of different classes

B A bank or a bank and trust company shall not credit or pay any interest on any deposit for a longer period than it has been deposited with the bank or bank and trust company except that deposits made not later than the fifth business day of the month or deposits withdrawn upon one of the last three business days of the month ending any annual semi-annual or quarterly interest period may have interest declared upon them for the whole of the period or month in which they were so deposited or withdrawn It shall also be lawful for deposit accounts closed between interest periods to be credited with interest computed from the last interest period to th date when closed

Section 1204 Interest on Deposits A Anything in its articles to the contrary notwithstanding a savings bank shall have the power to credit any pay on all deposits such interest not however exceeding five per centum per annum as may be established from time to time by agreement or regulation provided that the department may from time to time limit by regulation the maximum rate of interest which may be paid by a savings bank mav classify deposits according to maturities location of savings banks conditions respecting receipt withdrawal or repayment or otherwise as may be deemed advisable in the public interest and may prescribe different maximum rates for deposits of different classes Such interest shall be paid to the respective depositors or credited to their accounts at least annually and in the case of certificates of deposit interest shall be paid or accrued at least annually

B The trustees shall not declare or allow interest on any deposit for a longer period than it has been deposited with the savings bank except that deposits made not later than the fifth business day of the month or deposits withdrawn upon one of the last three business days of the month ending any annual semi-annual or quarterly interest period may have interest declared upon them for the whole of the period or month in which they were so deposited or withdrawn It shall also be lawful for deposit accounts closed between interest periods to be credited with interest computed from the last interest period to the date when closed

Section 2 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2007, as follows:

An Act providing that when any person held under arrest shall request the privilege and means of notifying his family or others of his arrest and imprisonment those persons in charge of such prisoner shall grant such request

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the same That when any person under arrest shall request the privilege and the means of notifying his family or others of his arrest and imprisonment those persons in charge of such prisoner shall grant such request without undue delay

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars or suffer imprisonment not exceeding ten days or both at the discretion of the court

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2139, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or person restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 204 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State department commissions and officers imposing penalties and repealing certain acts and parts of acts" as last amended by the act approved the thirtieth day of December one [illegible] nine hundred and thirty-three (Pamphlet Laws one hundred twenty-five) is hereby further amended to read as follows

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch bank branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

This section shall not apply to branches sub-offices and sub-agencies established or those for which locations had been purchased or leased by deed recorded or leases actually delivered prior to the first day of March one thousand nine hundred twenty-seven or to branches sub-offices and sub-agencies which resulted from mergers or consolidations of institutions effective prior to the first day of April one thousand nine hundred twenty-seven and such institutions shall have the right to relocate the same within the corporate limits of the city borough or township in which the principal place of business is located at the time of such relocation provided that such relocation is made with the approval of the department in the manner provided by this act for any removal of the place of business of an institution

This section shall not apply to any institution which has its principal place of business in a city borough or township within this Commonwealth in which one or more national banking associations incorporated under the laws of the United States was on the first day of March one thousand nine hundred twenty-seven operating one or more branch bank branch offices agencies sub-offices sub-agencies or branch places of business for the transaction of any part of its business and any such institution may hereafter establish subject to the approval of the department and thereafter maintain and operate branch banks branch offices agencies sub-offices sub-agencies and branch places of business for the transaction of any part of its business but only within the corporate limits of the city borough or township in which its principal office is located and in which such national banking association was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business The right to establish and maintain branch banks branch offices agencies sub-offices sub-agencies or branch places of business under the provisions of this subsection shall be limited to the territory included within the corporate limits on the first day of March one thousand nine hundred twenty-seven of the respective cities boroughs or townships in which such national banking associations were on that date operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business and such right shall not extend to additional territory which may after the first day of March one thousand nine hundred twenty-seven be added to such cities boroughs or townships by annexation consolidation with one or more municipal corporations or otherwise nor shall it extend to other portions or divisions of municipal corporations to which such cities boroughs or townships may be annexed or with which they may be consolidated after that date the intention being to limit to the respective corporate limits such cities boroughs or townships as they existed on the first day of March one thousand nine hundred twenty-seven the right to establish and maintain the branch banks branch offices agencies sub-offices sub-agencies and branch places of business authorized in this section

B Any institution may continue to maintain and operate any branch bank branch office agency sub-office sub-agency or branch place of business lawfully established by such institution

[C any institution may in the manner provided by this act for an amendment to its article establish a branch bank branch office agency sub-office sub-agency or branch place of business at any place within this Commonwealth where at the time such institution proposes to establish such branch bank branch office agency sub-office sub-agency or branch place of business any national banking association having its principal office in the same county

as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch bank branch office agency sub-office or branch place of business of such national banking association]

[D Any institution in any city of the first class or any city of the second class may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act establish and thereafter maintain and operate a branch bank branch office agency sub-office sub-agency or branch place of business at any place within the corporate limits of the said city of the first class or city of the second class in which its principal office is located or in any township of the first class contiguous to a city of the first class where the community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or institutions party or parties to a plan of merger or consolidation in accordance with this act]

C Any institution may in the case of an incorporated institution in the manner provided in this act for an amendment to its articles and in the case of a private bank with the prior written approval of the Department establish a branch bank branch office agency sub-office sub-agency or branch place of business in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or township in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or national banking association which is a party to a plan of merger or consolidation in accordance with this act

Provided that an institution shall not have the power to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county other than the county in which its principal place of business is located if a branch bank branch office agency sub-office sub-agency or branch place of business is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated nor shall an institution have the power to establish any branch bank branch office agency sub-office sub-agency or branch place of business unless in the case of a bank a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by this act for the incorporation of such number of similar institutions as equal to the total number of its places of business including such branch bank branch office agency sub-office sub-agency or branch place of business excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand not more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the Department and in the case of a private bank unless its net worth equals a minimum amount approved by the Department

If the Department shall approve the application of a private bank to establish a branch bank branch office agency sub-office sub-agency or branch place of business any person aggrieved by the action of the Department shall have the same right of appeal as is by this act provided in the case of the Department's approval of Article of Amendment to provide for the establishment by an incorporated institution of a branch bank branch office agency sub-office sub-agency or branch place of business

D An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this act if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive committee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board or directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 2 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BAINE. Mr. Speaker, I move that this bill be re-

committed to the Committee on Banking for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1907, as follows:

An Act to further amend section eleven of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred sixty-two) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" by eliminating the provision making the fund available for payment to the Treasury Department of the cost of making disbursement out of the fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred sixty-two) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" as last amended by the act approved the third day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred ninety) is hereby further amended to read as follows

Section 11 The money paid in premiums by subscribers is hereby made available for the expenses of administering the fund including the purchase through the Department of Property and Supplies of surety bonds for such officers or employes of the board as may be required to furnish them supplies materials motor vehicles workmen's compensation insurance covering the officers and employes of the board and liability insurance covering vehicles purchased out of moneys of said fund and operated by the officers and employes of the board In the event that the use of motor vehicles is required only temporarily then such moneys in the fund are available for the payment to the Department of Property and Supplies for the use of such motor vehicles on a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine

The moneys in the fund shall also be available for payment to the Insurance Department of the cost incurred by that department in examining and auditing the State Workmen's Insurance Fund at such amounts as the Insurance Department shall determine [for payment to the Treasury Department of the cost of making disbursements out of the State Workmen's Insurance Fund on behalf of the State Workmen's Insurance Board at such amounts as the Treasury Department with the approval of the Executive Board shall determine] for payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the State Workmen's Insurance Board at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

The board shall keep an accurate account of the money paid in premiums by the subscribers and the disbursements on account of injuries to the employes thereof and on account of administering the fund and if at the expiration of any year there shall be a balance remaining after deducting such disbursements the unearned premiums on undetermined risks and the percentage of premiums paid or payable to create or maintain the surplus provided in section nine of this act and after setting aside an adequate reserve so much of the balance as the board may determine to be safely distributable shall be distributed among the subscribers in proportion to the premiums paid by them and the proportionate share of such subscribers as shall remain subscribers to the fund shall be credited to the instalment of premiums next due by them and the proportionate share of such subscribers as shall have ceased to be subscribers in the fund shall be refunded to them out of the fund in the manner hereinafter provided

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2128, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two hundred three Section five hundred one Section five hundred two Section five hundred thirteen Section five hundred seventeen Section five hundred twenty Section one thousand four Section one thousand four hundred one Section one thousand four hundred twelve Section one thousand four hundred sixteen Section one thousand four hundred seventeen and Section one thousand four hundred eighteen of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing

duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that Section nine hundred eight of that act as last amended by the act approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws one hundred twenty-eight) is hereby further amended to read as follows

Section 203 Place of Business Change of Place of Business A [An] Except as herein otherwise provided an institution shall not transact any banking or trust business except in the case of an incorporated institution at the place or places designated in its articles and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B An incorporated institution may change its place of business within the limitations imposed by this act in the regular manner provided by this act for an amendment to its articles Any private bank may likewise remove its place of business within the limitations of this act if it shall first obtain the written approval of the department Such removal by an institution shall not in any case be to a place where such institution would not be entitled under the provisions of this act to establish a branch at the time it applies for authority to make such change and shall not violate the provisions of this act relating to the establishment of branches agencies sub-offices or sub-agencies

C However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 501 Number and Election of Directors and Trustees Executive Committees Subject to the provisions of this act the number qualifications terms of office manner of election time and place of meeting compensation and powers and duties of the directors of a bank or a bank and trust company or a trust company may be prescribed from time to time by the by-laws

Subject to the provisions of this act the number qualification manner of election time and place of meeting compensation and powers and duties of the trustees of a savings bank may be prescribed from time to time by the by-laws

Except as otherwise provided in the articles or by-laws or in the case of a savings bank in the special act creating such savings bank its amendments and supplements

(1) A director shall be elected for a term of one year a trustee until he becomes disqualified or resigns

(2) The number of directors or trustees shall be the same as that stated in the articles but not less than the minimum prescribed by this act [.] and in the case of directors not more than the maximum prescribed by this act

(3) Vacancies in the board of directors or in the board of trustees caused by death resignation disqualification or otherwise [shall] may be filled by the remaining members of the board though less than a quorum and each person so elected shall in the case of a bank a bank and trust company or a trust company be a director until his successor is elected by the shareholders who may make such election at the next annual meeting of the shareholders or at any special meeting duly called for that purpose and held prior thereto and in the case of a savings bank created by special act by the persons specified in such act In the case of any other savings bank he shall serve until he shall become disqualified or shall resign

(4) The meetings of the board of directors or of the board of trustees shall be held at such place within this Commonwealth as a majority of the directors or of the trustees may from time to time designate or as may be designated in the notice calling the meeting

(5) A majority of all the directors or trustees in office shall be necessary to constitute a quorum for the transaction of business and except as otherwise provided in this act or in the articles or by-laws of a particular incorporated institution the acts of a majority of the directors or trustees who are present at a meeting at which a quorum is present shall be the acts of the board of directors or the board of trustees but if all the directors or trustees shall severally or collectively consent in writing to any action to be taken by the incorporated institution such action shall be as valid corporate action as though it had been authorized at a meeting of the board of directors or the board of trustees

(6) The board of directors or the board of trustees may by resolution adopted by a majority of the whole board delegate three or more of its number in the case of a bank a bank and trust company or a trust company and five or more of its number in the case of a savings bank to constitute an executive committee which to the extent provided in such resolution shall have and exercise the authority of the board over the ordinary operations of the business of the incorporated institution between the dates of the regular meetings of the board Every such committee shall keep full minutes of all business transacted by it and shall present detailed reports of all such minutes to the board at each regular meeting

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shall be managed in the case of a bank a bank and trust company or a trust company by a board of [at least] not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the duties granted to or imposed upon the incorporated institution by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the share-holders

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified The names of the first trustees shall be stated in the articles

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bona fide residents in this Commonwealth

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number or par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant He shall not be eligible for re-election as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one year from the expiration of his term Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

F The following shall not be eligible to be directors or trustees in any incorporated institutions

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any judge who shall be a director or trustee of an institution upon the effective date of this act as long as such judge continuously remains a director or trustee of such institution

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

(3) Any person authorized to receive and account for the public moneys of this Commonwealth

G A trustee of a savings bank shall not at the same time be a trustee officer or employe of any other savings bank

Section 513 Bonds of Officers and Employes A The officers and employes of every institution as well as any director or trustee of an incorporated institution who is authorized to receive payments of moneys or to handle negotiable securities on behalf of such incorporated institution shall before entering upon the performance of their duties furnish to it bonds in such form and in such amount as is specified with such surety as is approved in the case of an incorporated institution by the directors or trustees and in the case of a private bank by the private banker or bankers [Such bond shall be conditioned upon the faithful performance of the duties of such officers directors trustees or employes] The cost of such bonds may be paid by the institution

B The department shall have the power to require any such officer director trustee or employe at any time during his term of office or employment to furnish a bond in an amount greater than that required by the board of directors or trustees of the incorporated institution or by the private banker or bankers as the case may be or it may require new or additional surety

Section 517 Acceptance of Fee or Commission by Director Trustee Officer Attorney or Employe A Neither [an] a director trustee officer attorney or employe of an institution nor [an] a director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act shall stipulate for or agree or assent to receive or receive any fee commission gift or other property of value from any corporation or person for procuring or for endeavoring to procure for such corporation or person or for any other corporation or person any loan from or any investment by or any purchase or discount of any paper note draft check bill of exchange or other commercial paper by such institution

B Any director trustee officer attorney or employe of an institution or any director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act who [knowingly] violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount or the value of the property which he receives as such fee commission or gift

Section 520 Purchases from the Sales to Directors Trustees Officers Attorneys or Employes A An institution shall not contract for or purchase from any of its officers attorneys or employes and in the case of an incorporated institution from any of its directors or trustees nor from any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act from any of the directors or trustees any securities or other property unless such purchase is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and in the case of an incorporated institution unless such purchase is authorized by the vote of a majority of all the members of the board of directors or of the board of trustees of such incorporated institution who are not interested in such transaction except in their capacity as directors or trustees of the incorporated institution

B An institution shall not sell securities or other property owned or held by it to any of its officers attorneys or employes and in the case of incorporated institutions to any of its directors or trustees nor to any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act to any of the directors or trustees unless such sale is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and unless in the case of an incorporated institution such sale is authorized by the vote of a majority of all the members of the board of directors or the board of trustees of such incorporated institution who are not interested in such transaction except in their capacities as directors or trustees of the incorporated institution

C Any officer attorney or employe of an institution any director or trustee thereof or any officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act any director or trustee thereof who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction

Section 908 Reserve Fund against Deposits and Demand Liabilities A Every bank bank and trust company or private bank shall establish and maintain a reserve fund in an amount equal to at least fifteen per centum of the total of its [net] demand deposits and [net] demand liabilities plus seven and one-half per centum of its total [net] time deposits as herein defined

B Except in the case of a savings bank the term "demand deposits" shall be construed to refer to all deposits payment of which can legally be required on demand or within any period less than thirty days after demand

The term "demand liabilities" shall be construed to refer to all obligations of the institution other than deposits payment of which can legally be required on demand

Except in the case of a savings bank the term "time deposits" shall be construed to refer to all deposits payment of which cannot legally be required within thirty days

C Except in the case of a savings bank the total of such reserve fund may and at least one-third of the reserve fund against demand deposits and demand liabilities shall unless the Department gives its written approval of a lesser amount consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States and be kept on hand at the place of business of the institution unpledged unassigned and unhopothecated

One-third of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Any part of such reserve fund not required to consist of gold bullion gold coin or any form of currency kept on hand at the place of business of the institution may consist of an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

D Every savings bank shall establish and maintain a reserve fund in an amount equal to at least seven and one-half per centum of the total of its [net] deposits .

E In the case of savings banks the total of such reserve fund may and at least two-thirds thereof shall consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any na-

tional banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated or an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

The balance of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Section 1004 Pledge of Assets for Deposits A bank or a bank and trust company shall not have the power to pledge or hypothecate any of its assets as security for deposits made with it except for the following

(1) Federal State municipal school district or other public funds

(2) Funds deposited by the Secretary of Banking as receiver of [an institution] a corporation or person of which he has pursuant to the provisions of law taken possession

(3) Funds deposited by a bank and trust company in its own commercial department which funds are being held by such bank and trust company in a fiduciary capacity and are being deposited by it pending investment or distribution

Section 1401 Merger or Consolidation Incorporated Institutions National Banking Association A Any two or more incorporated institutions other than savings banks and trust companies may in the manner hereinafter provided in this act be merged into one of such incorporated institutions hereinafter designated as the surviving incorporated institution or consolidated into a new incorporated institution to be formed under this act

B Any two or more savings banks the places of business of which are located in the same city borough or township may in the manner hereinafter provided in this act be merged into one of such savings banks hereinafter designated as the surviving savings bank or consolidate into a new savings bank to be formed under this act

C One or more banks or bank and trust companies and one or more national banking associations incorporated under the laws of the United States may in the manner hereinafter provided in this act be merged into one of such banks or bank and trust companies or consolidated into a new bank or bank and trust company to be formed under this act Such merger or consolidation shall not become effective until the national banking association shall have complied with the laws of the United States relating to such merger or consolidation of national banking associations with banks or bank and trust companies

D Two or more trust companies may in the manner hereinafter provided in this act be merged into one of such trust companies or consolidated into a new trust company to be formed under this act

E Any merger or consolidation authorized by this section shall not be effective if the effect thereof is to establish any branch bank branch office agency sub-office sub-agency or branch place of business in violation of the provisions of this act

Section 1412 Merger Consolidation or Conversion of Banks or Bank and Trust Companies into National Banks One or more banks or bank and trust companies and one or more national banking associations operating under the laws of the United States may pursuant to the laws of the United States be merged into one of such national banking associations or consolidated into a new national banking association operating under the laws of the United States and a bank or bank and trust company may pursuant to the laws of the United States be converted into a national banking association provided that the banks or bank and trust companies participating in such a merger or consolidation and the bank or bank and trust company being converted into a national banking association shall comply with the following requirements established by this section

(1) The plan of merger or consolidation or of conversion has been approved in the manner and after the advertising and notice required by this act in the case of mergers or consolidations of incorporated institutions by at least a majority of all the directors of any bank or bank and trust company participating in such plan and by the holders of two-thirds of its outstanding shares entitled to vote thereon

(2) In the case of any bank and trust company participating in such plan or merger or plan of consolidation or plan of conversion all corporations or persons who appear upon the available books or other records as who are otherwise known to be parties interested in any funds property or investments held by such bank and trust company as trustee guardian executor administrator or other fiduciary under the provisions of this act shall be entitled to the same notice and shall thereupon have the same rights and duties as are provided by this act for corporations or persons in a similar position in the case of a merger or consolidation of incorporated institutions

(3) Whenever a bank and trust company authorized to act as fiduciary in this Commonwealth has heretofore been or shall hereafter be named or appointed trustee guardian executor administrator or other fiduciary such nomination or appointment shall not be deemed to have lapsed by reason of the merger or consolidation of such bank and trust company with a national banking association or the conversion of such bank and trust company into a national banking association pursuant to the provisions of this act providing that such surviving or new national banking association is authorized to act as fiduciary in this Commonwealth but such surviving or new national banking association shall be entitled to act in the same fiduciary capacity under such nomination or appointment as the original bank and trust company could have acted if such merger consolidation or conversion had not been effected

[(3)] (4) All taxes or fees due this Commonwealth or any of the departments or officials of the State government of this Commonwealth shall be paid in full For the purposes of this clause the taxes imposed by the laws of this Commonwealth on such bank or bank and trust company which have not yet become due that is the amount properly apportionable to the part of the tax period which has already elapsed shall be construed to become due upon the date of such merger consolidation or conversion

[(4)] (5) The articles of merger or articles of consolidation or articles of conversion corresponding to the articles of merger or articles of consolidation required by this act in the case of merger or consolidation of incorporated institutions shall be prepared by any bank or bank and trust company participating in the plan of merger consolidation or conversion and filed with the Department of State which shall transmit a copy to the Department of Banking The bank or bank and trust company shall also file with the Department of State the certificate of approval of the merger consolidation or conversion as the case may be by such officer of the United States as may be empowered by law to approve the same The Department of State shall send a copy of such certificate to the Department of Banking

Section 1416 Filing of Articles of Conversion of National Bank into Bank or Bank and Trust Company Payment of Fees Approval by Department of State A The articles of conversion of the national banking association into a bank or a bank and trust company and the proof of publication of the advertisement required by this act shall be delivered to the Department of State

B In addition to any bonus fees taxes and charges provided by law in the case of any corporation the national banking association shall pay to the Department of State such reasonable fees as shall be established by rule or regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to the provisions of this act to determine whether the articles of conversion should be approved Such fee for the investigation by the Department of Banking shall be paid to the Department of State at the time of the filing with it of the articles of conversion and shall be paid by the Department of State through the Department of Revenue to the Banking Department Fund

C The Department of State shall examine such articles of conversion and such proof of publication to determine

whether they contain all the information and are in the form required by this act and also whether the name of the proposed bank or bank and trust company as the case may be conforms with the requirements of law for the name of such an incorporated institution or whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the bonus fees taxes and other charges have been paid as required by law if the articles of conversion and the proof of publication contain the information and are in the form required by this act the Department of State shall forthwith but not prior to the day specified in the advertisement of the articles of conversion required by this act endorse its approval upon the articles of conversion and shall forthwith transmit them to the Department of Banking

D If the Department of State shall disapprove the articles of conversion pursuant to this act it shall forthwith give notice thereof to the national banking association stating in detail its reasons for doing so and stating how such national banking association can remedy the non-conformance with the provisions of this act Upon remedying the defect such national banking association may in the same manner file the same or amended articles whichever the particular case may require

Section 1417 Approval by Department of Banking of Articles of Conversion of National Bank into Bank or Bank and Trust Company A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of conversion of a national banking association into a bank or a bank and trust company conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed bank or bank and trust company is likely to mislead the public as to its character or purpose

(2) Whether the conversion is made for legitimate purposes

(3) Whether the interests of the depositors other creditors and shareholders are adequately protected

(4) Whether the proposed bank or bank and trust company meets all the requirements of this act and violates none of its prohibitions applicable to a bank or a bank and trust company as the case may be incorporated under this act

(5) Whether the national banking association has complied with the requirements of the laws of the United States and has been approved by such officer of the United States as may be empowered by law to approve the same

B Within thirty days after the receipt of the articles of conversion from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of conversion it shall sign its approval [upon the triplicate originals It shall then retain one and send the remaining two of] thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of conversion it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the national banking association desiring to become converted into a bank or a bank and trust company of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 1418 Issuance of Certificates of Conversion of National Bank into Bank or Bank and Trust Company Immediately upon receipt of the signed articles of conversion of a national banking association into a bank or bank and trust company from the Department of Banking the Department of State shall file the articles and shall issue to the incorporated institution or its representative a certificate of conversion A copy of the approved articles of conversion shall be sent by the Department of State to the Department of Banking

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SIMON. Mr Speaker, I move that this bill be recommitted to the Committee on Banking for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2130, as follows:

An Act to amend the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended to authorize and empower boroughs to construct or acquire waterworks and the appurtenances thereof and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof secured solely by liens thereon and imposing no municipal liability providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof and the nature and extent of such lien providing for the payment of such bonds and the rights of the holders thereof and repealing acts and parts of acts in conflict therewith

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article twenty-four of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended is hereby further amended by adding thereto after section two thousand four hundred thirty-six the following

(5a) Acquisition or Construction of Water-works by the Issuance of Bonds Secured Only by Lien on the Property and Imposing No Municipal Liability

Section 2437 Power to Issue Revenue Bonds Amount and Security of Bonds (a) Pursuant to Section 15 Article nine of the Constitution the council of any borough may construct or acquire by purchase or the exercise of the right of eminent domain a water-works and the appurtenances thereof and finance the construction or acquisition of such water-works and the appurtenances thereof with the proceeds of the sale of bonds secured only by liens thereon payable from the revenues thereof and imposing no municipal liability and may prescribe and collect rates fees and charges for the services facilities and commodities furnished by such water-works

(b) Any borough shall have power to fix the extent of the lien of said bonds upon the water-works and the appurtenances thereof for which said bonds are issued by pledging to the punctual payment thereof and of the interest thereon an amount of the revenues of such water-works and appurtenances or of any part of such water-works or appurtenances sufficient to pay said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor The council of the borough in determining the cost of acquiring purchasing or constructing any water-works and appurtenances may include all costs and estimated costs of the issuance of said bonds all engineering inspection fiscal and legal expenses and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to subdivision (5a) of this article

Section 2438 Ordinance Authorizing Acquisition Pur-

chase or Construction of Water-Works Form Validity and Terms of Bonds (a) The acquisition purchase or construction of any water-works may be authorized under this article and bonds may be authorized to be issued under subdivision (5a) of this article by ordinance or ordinances of the council of any borough which may be adopted at the same meeting or meetings at which they are introduced by a vote of a majority of all the members of the council then in office Said bonds shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually may be in one or more series may bear such date or dates may mature at such time or times not exceeding forty years from their respective dates may be payable in such medium of payment at such place or places may carry such registration privileges may be subject to such terms of redemption may be executed in such manner may contain such terms covenants and conditions and may be in such form either coupon or registered as such ordinance or subsequent ordinances may provide Said bonds shall be sold at not less than par Said bonds may be sold at private sale to the United State of America or any agency instrumentality or corporation thereof Unless sold to the United States of America or any agency instrumentality or corporation thereof said bonds shall be sold at public sale to the highest bidder in the manner prescribed by existing statutes governing the sale of other bonds of boroughs. Said bonds shall be fully negotiable within the meaning and for all the purposes of the negotiable instruments law of this Commonwealth

(b) Any ordinance or ordinances authorizing the issuance of bonds under subdivision (5a) of this article may contain covenants as to (1) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof (2) the use and disposition of the revenue of the water-works for which said bonds are to be issued including the creation and maintenance of reserves (3) the transfer from the general funds of the borough to the account or accounts of the water-works an amount equal to the cost of furnishing such borough or any of its departments or agencies with water (4) the issuance of other or additional bonds which are a charge or encumbrance on the revenue of said undertaking (5) the operation and maintenance of such water-works and appurtenances (6) the insurance to be carried thereon and the use and disposition of insurance moneys (7) books of account and the inspection and audit thereof and (8) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the court of common pleas of the county in which the borough is located which court shall have jurisdiction in such proceedings and which receiver may enter and take possession of said water-works and appurtenances operate and maintain the same prescribe rates fees or charges and collect receive and apply all revenue thereafter arising therefrom in the same manner as the borough itself might do The provisions of subdivision (5a) of this article and any such ordinance or ordinances shall be a contract with the holder or holders of said bonds and the duties of the borough and of its council and officers under this article and any such ordinance or ordinances shall be enforceable by any bondholders by mandamus or other appropriate suit action or proceeding in any court of competent jurisdiction

(c) Said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the borough issuing the same The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition purchase or construction of the water-works or appurtenances for which said bonds are issued The ordinance authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to subdivision (5a) of article XXIV of this act which recital shall be conclusive evidence of their validity and of the regularity of their issuance

(d) No holder or holders of any bonds issued under subdivision (5a) of this article shall ever have the right to compel any exercise of taxing power by the borough to pay said bonds or the interest thereon Each bond issued under subdivision (5a) of this article shall recite in substance that said bond including interest thereon is payable from the revenue pledged to the payment thereof and constitutes a lien on the water-works and appurtenances for the acquisition purchase or construction of which said bond was issued and that said bond does not constitute a municipal liability of the borough

Section 2439 Water-Works to be Self-Supporting Exemptions from Taxation Regulation (a) The council of a borough issuing bonds pursuant to subdivision (5a) of this article shall prescribe and collect reasonable rates fees or charges for the services facilities and commodities of such water-works and shall revise such rates fees or charges from time to time whenever necessary so that such water-works shall be and always remain self-supporting The rates fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon for the payment of which such revenue is or shall have been pledged charged or otherwise encumbered including reserves therefor and (b) to provide for all expenses of operation and maintenance of such water-works including reserves therefor

(b) So long as a borough shall own any water-works and the appurtenances thereof the property and revenue thereof shall be exempt from all State county and municipal taxation Bonds and the income therefrom issued pursuant to subdivision (5a) of this article shall be exempt from all State county and municipal taxation except inheritance transfer and estate taxes

(c) The Public Service Commission shall have no jurisdiction over the borough in the management and control of the water-works and appurtenances acquired or constructed under this article including the regulation of the rates fees or charges

Section 2 That section two thousand four hundred three of said act is hereby amended to read as follows

Section 2403 Issue of Bonds Where Water-Works Acquired Where the price and terms are agreed upon a borough may become the owner of and operate any [water] water-works system and the appurtenances thereof owned and operated by a corporation furnishing water within the acquiring borough and in adjacent townships or nearby boroughs and may [pay therefor by obligations secured by liens on the property acquired and which shall be secured solely by such water works systems and property and the revenues thereof and without any other liability on the part of such borough which obligations shall be exempt from taxation for any purpose] finance such purchase by the issuance and sale of bonds in accordance with subdivision (5a) of this article [Provided That this section shall not apply where a duly organized water company is authorized to furnish and is furnishing service in the adjacent townships or nearby boroughs where the water company whose system is purchased under the provisions of this act had been furnishing service]

Section 3 That section two thousand four hundred twenty of said act is hereby amended to read as follows

Section 2420 Issue of Bonds For the purpose of such purchase the borough may issue bonds [which shall be secured solely by such water-works systems and property and the revenues thereof and without any other liability on the part of such borough] in accordance with the provisions of subdivision (5a) of this article

Section 4 That sections two thousand four hundred twenty-one two thousand four hundred twenty-two two thousand four hundred twenty-three and two thousand four hundred thirty-three of said act are hereby repealed

Section 5 Constitutional Construction The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 6 That sections one and two of the act approved the fifth day of June one thousand nine hundred fifteen (Pamphlet Laws eight hundred forty-six) entitled "An act relating to the indebtedness of municipalities and

providing for carrying into operation section fifteen of article nine of the Constitution of Pennsylvania so far as it relates to municipalities" insofar as it relates to boroughs

Section 7 This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1791, as follows:

An Act to amend an act approved the third day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand five hundred fifteen) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' defining the liability of public or charitable bodies corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor and the rights of persons injured in such employment establishing the State Work Relief Compensation Fund to provide such compensation in certain cases and providing for the administration of such fund by the State Workmen's Insurance Fund and making an appropriation therefor" by further defining the compensation to be paid injured work relief employes and further defining the liability of employers for such compensation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two and four of the act approved the third day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand five hundred fifteen) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' defining the liability of public or charitable bodies corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor and the rights of persons injured in such employment establishing the State Work Relief Compensation Fund to provide such compensation in certain cases and providing for the administration of such fund by the State Workmen's Insurance Fund and making an appropriation therefor" are hereby amended to read as follows

Section 2 [No compensation] Compensation shall be payable to injured work relief employes during the first twenty-six weeks of disability equivalent to the work relief wage being received by the employe at the time of the injury Provided however That this section shall not apply to injuries compensable under subsections (c) and (e) of section three hundred and six or section three hundred and seven of the act to which this is a supplement

Section 4 Each work relief employer contributing to the State Work Relief Compensation Fund shall pay to it twenty-five cents per week for each work relief employe used by such work relief employer Provided [however] That the Insurance Commissioner shall from time to time review the adequacy of this rate and modify it as circumstances require And provided further That the payment of such amount per week by the State Emergency Relief Board for and on behalf of any work relief employer shall relieve such employer of any and all liability for compensation under this act

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1568, as follows:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by requiring borough records to be open to inspection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto the following section

Section 1111 Records Open To Inspection The minute book and other records and documents of every borough shall be open to the inspection of any taxpayer thereof his her or its agent upon demand therefor

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 440, as follows:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" fixing the compensation of elected county tax assessors in cities of the third class boroughs towns and townships of the second class and repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby reenacted as follows

Section 305 Compensation of Assessors Except in First-Class Townships In counties of the fourth fifth sixth seventh and eighth classes each elected assessor for county purposes in cities of the third class boroughs towns and townships of the second class shall keep an account of the several days by him actually employed in the performance of his duties and shall make return of the same to the commissioners of the county verified by his oath or affirmation and for each day necessarily so employed he shall receive In cities of the third class such compensation as shall be fixed by the county commissioners in boroughs and townships of the second class the sum of five dollars and in towns the same compensation as is now received by assessors in towns

Section 2 Section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-one) entitled "An act fixing the compensation of property assessors elected for county purposes in boroughs townships of the second class and wards and repealing existing acts relating thereto" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1904, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board further defining the powers and duties of such board and its members and transferring certain powers of the board over referees from the board to the Department of Labor and Industry

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred forty-one four hundred forty-two two thousand two hundred eight and two thousand two hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended to read as follows

Section 441 Workmen's Compensation Board The Workmen's Compensation Board shall consist of [three] five members [of whom] Of the five members at least two shall be learned in the law and one shall be licensed and qualified under the laws of this Commonwealth to practice medicine and surgery [the] The Governor shall designate one member of the board as chairman The Secretary of Labor and Industry shall be ex officio a member of the board [Two] Three members of the board shall be a quorum and no action of the board shall be valid unless it shall have the concurrence of at least [two] three members A vacancy on the board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the board

The Secretary of Labor and Industry with the approval of the Governor shall appoint a secretary to the Workmen's Compensation Board who shall receive such salary as the Secretary of Labor and Industry with the approval of the Governor shall determine

The Chairman of the Workmen's Compensation Board shall receive a salary at the rate of nine thousand dollars per annum The other members of the board except the Secretary of Labor and Industry shall receive salaries at the rate of eight thousand five hundred dollars per annum

Any investigation inquiry or hearing or appeal which the board has power to undertake hold hear or determine may be undertaken held or heard by or before any one or more of the members of the board All investigations inquiries hearings or appeals before or by any such member or members shall be deemed to be or shall be the investigations inquiries hearings or appeals of the board Any determination ruling or order of a member or members upon any such investigation inquiry hearing or appeal undertaken held or heard by him or them shall not become and be effective until approved and confirmed by at least a quorum of the board and ordered to be filed in its office Upon such confirmation and order such determination ruling or order shall be the determination ruling or order of the board

The chairman of the board shall have the power as often as he may deem the work of the board requires to designate the time and place for the conducting of investigations inquiries hearings and appeals and to assign cases to a member or members for hearing investigation inquiry study or other similar purpose

Section 442 Workmen's Compensation Referees There shall be in the Department of Labor and Industry as many Workmen's Compensation Referees as in the judgment of the Governor and of the Secretary of Labor and Industry shall be necessary properly to administer the workmen's compensation laws of the Commonwealth Such referees shall be subject to the direction and control of the [Workmen's Compensation Board] Department of Labor and Industry The [board] department shall assign them to the various workmen's compensation districts and shall prescribe from time to time the duties to be performed by them

Each Workmen's Compensation Referee shall receive a salary at the rate of five thousand dollars per annum

Section 2208 Workmen's Compensation The Department of Labor and Industry shall have the power and its duty shall be

(a) To administer and enforce the laws of this Commonwealth as now existing or hereafter enacted relating to workmen's compensation provided however That the Workmen's Compensation Board [and the Workmen's Compensation Referees] shall perform [their] its respective duties independentently of the Secretary of Labor

and Industry or any other official of the department except that all clerical stenographic and other assistance required by the Workmen's Compensation Board [and the several Workmen's Compensation Referees] shall be appointed by the department as provided in this act

(b) To receive and classify reports of all accidents to receive and approve or disapprove agreements supplemental agreements receipts final receipts applications for exemption from obtaining insurance and other papers in workmen's compensation cases which have heretofore been subject to approval by the Workmen's Compensation Board and to notify the parties of its approval or disapproval within thirty days after receipt of such agreements supplemental agreements receipts final receipts or other papers as provided by law

(c) To follow up all cases in which workmen's compensation agreements shall have been filed and see that such agreements are fulfilled in accordance with the provisions thereof and the laws of this Commonwealth

(d) To advise injured workmen of their rights under the workmen's compensation laws

(e) From time to time to divide the State into such number of workmen's compensation districts as it may with the approval of the Executive Board deem advisable for the proper administration of the workmen's compensation laws

(f) To receive and refer to the Workmen's Compensation Board claims in contested cases and mail decisions of the Workmen's Compensation Board and of Workmen's Compensation Referees in all contested cases to claimants and defendants

(g) To render to the Workmen's Compensation Board and reasonable assistance requested by the board in the conduct of its work

(h) Except in cases in which the Commonwealth's liability therefor is covered by insurance to prepare and issue to the Auditor General certificates or requisitions for the payment of workmen's compensation to injured employes of the Commonwealth

Section 2213 Workmen's Compensation Referees Subject to any inconsistent provision in this act contained each Workmen's Compensation Referee shall have the power and his duty shall be to hear such claims for compensation as shall be assigned to him by the [Workmen's Compensation Board] Department of Labor and Industry and to perform such other duties as shall be required of him by the [Workmen's Compensation Board] department or imposed upon him by law

On the question,

Will the House agree to the section?

Mr. TUMELTY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 29, by striking out the word "salary" and inserting in lieu the following: "salaries"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title was separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment.

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board further defining the powers and duties of such board and its members and transferring certain powers of the board over referees from the board to the Department of Labor and Industry

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third rading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 952, as follows:

A Supplement to the act approved the twenty-second day of May one thousand eight hundred ninety-five (Pamphlet Laws ninety-nine) entitled "An act to punish pool-selling receiving and transmitting bets or aiding in pool-selling or betting"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person to bet or wager or receive any bet or wager of money or any valuable thing on the result of any horse or dog race or to possess in any manner whatsoever racing forms run down sheets or any written or printed paper containing or setting forth the names of any horses or dogs entered in any race within or without this Commonwealth the names of any jockeys prices paid probable odds past performance of any horse or dog or the results of any horse or dog race

Section 2 Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) and costs of prosecution or to undergo imprisonment for not more than one (1) year or both in the discretion of the court

Section 3 Nothing contained in this act shall be construed to apply to any newspaper of general circulation or the possession of such newspaper

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That the annual minimum salary of the district attorney in counties of the seventh class shall be one thousand five hundred dollars ($1,500) to be paid by the county

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. LYNCH. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1725, as follows:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every employer operating a place in which motion pictures are shown shall allow the projectionist or operator of the motion picture machine therein at least twenty-four consecutive hours of rest in every calendar week This act does not authorize any work on Sunday not permitted now or hereafter by law

Section 2 The term "employer" as used herein shall mean the person employing such operator whether owner proprietor agent manager or other subordinate

Section 3 Any person who violates or does not comply with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for a first offense to pay a fine of not less then twenty nor more than fifty dollars for a second offense to pay a fine of not less than fifty nor more than two hundred and fifty dollars or by imprisonment for not more than thirty days or both for a third offense by a fine of not less than two hundred and fifty dollars or by imprisonment for not more than sixty days or both

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2129, as follows:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section five hundred nine of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred fifty-two) is hereby further amended to read as follows

Section 509 The board of school directors in any school district in this Commonwealth may designate one or more banks or trust companies as a depository or depositories for its school funds No such depository shall be named unless it receives a majority of the votes of the entire school board elected or appointed in such district and such depository before receiving any of the school funds shall except as in this section otherwise provided furnish a proper bond in such amount and with such surety or sureties as may be required to be approved by the board of school directors and conditioned upon the faithful keeping paying out and accounting for all of the school funds and property of said school district that may come into its hands as well as for the payment of all interest on money deposited in such depository in accordance with any contract made by it with said school district The funds of the school district shall be deposited as directed by the board of school directors in such depository by the school treasurer in the name of the school district and after any funds have been deposited with such regularly designated depository by any school treasurer he shall thereafter be relieved from all liability therefor and all school orders drawn on the school treasurer for any funds so deposited by him shall be endorsed by said treasurer and made "payable at ..... depository of the School District of ....." Provided That no school district in this Commonwealth shall deposit with any designated depository any amount in excess of thirty-three and one-third per centum of the total capital stock and surplus of such depository

In lieu of one or more surety bonds the deposit of school funds may be secured by the deposit with the board of school directors or with any bank or trust company other than the designated depository within the Commonwealth which may be agreed upon of bonds or other interest-bearing obligations of the United States of the Commonwealth of Pennsylvania or of any state of the United States or other bonds to be approved by the board Provided That in school districts of the second third and fourth classes such securities shall be only bonds or other interest-bearing obligations of the United States of this Commonwealth of any state of the United States or bonds of any county city borough incorporated town township school district or other political subdivision of this Commonwealth or of any other state of the United States which has not at any time within the five years immediately preceding the date of the deposit of such bonds by the depository failed punctually to pay the matured principal and interest on all of its indebtedness

Provided That no bonds on other security shall be required of a depository for such school funds to the extent that such funds are insured under the provisions of Section 12B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements

When collateral security is thus deposited in lieu of one or more surety bonds the total amount of such bonds and obligations thus deposited measured by their actual market value shall be equal to the amount of the deposits secured and twenty per centum in addition All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer Such trust deposit in the event of any depreciation in value shall be maintained on request in writing of the board of school directors at the amount provided herein

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2137, as follows:

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section five of the act approved the eighth day of March one thousand nine hundred and thirty-three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" is hereby amended to read as follows

Section 5 The powers hereby conferred upon the Secretary of Banking shall terminate six months after the approval of this act by the Governor but the Governor may extend the effective period of this act by proclamation for an additional period not exceeding [two] four years

And said bill having been real at length the second and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2016, as follows:

An Act creating a State Planning Board prescribing and defining its powers and duties including the planning of long term and emergency programs of public works construction and expenditure planning for the conservation and utilization of the resources of the Commonwealth coordinating the plans of the various departments of the State government for the general good of the Commonwealth and assisting official and citizen constituted planning groups throughout the Commonwealth cooperating closely with the Federal government making special studies for the Legislature when requested and provided for and such other activities as may be assigned to it by the Governor of the Commonwealth and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Planning Board Law"

Section 2 Definitions The term "board" as used in this act shall mean the Pennsylvania State Planning Board created by this act

The term "plan" or "planning" as used in this act shall mean the formulation of long term programs and methods for the conservation and best use and development of the natural agricultural industrial social educational commercial economic and other resources of the Commonwealth also emergency short term programs to relieve unemployment

Section 3 State Planning Board (a) There is hereby created and established a State Planning Board which shall be an independent administrative board and which shall be subject to all the provisions of the Administrative Code of one thousand nine hundred and twenty-nine as amended which apply generally to independent administrative boards and commissions The board shall consist of seven members who shall be appointed by the Governor and in addition thereto the executive director of the State Emergency Relief Board during its existence Four of the members shall be heads of departments of the government of the Commonwealth Three of the members shall be citizens of the Commonwealth who do not hold any office under the Commonwealth to which any salary is attached The three citizen members of the board who are first appointed shall be designated by the Governor to serve for terms of one two and three years respectively from the date of their appointment Thereafter the term of office shall be for four years The terms of the members who are heads of departments of the State government shall extend through their terms of office as heads of departments of the State government unless otherwise designated or changed by the Governor A citizen member shall hold office until his successor has been appointed and has qualified A vacancy occurring during a term shall be filled only for the balance of the unexpired term Each citizen appointee shall be qualified by training and experience to perform the duties of the board The Governor shall name a chairman from among the board's membership The members of the board shall serve without compensation but shall be entitled to receive their traveling and other necessary expenses actually incurred in the performance of their public duties

(b) The board may appoint discharge at pleasure and fix the compensation of or make contracts for the services of technical experts legal counsel and all clerical and technical assistants which may in its judgment from time to time be necessary in the administration of this act The head of any department or agency of the State government or any political subdivision of the Commonwealth is hereby authorized to assign technical employes to assist the board The board also may incur necessary expenses for offices furniture stationery printing and other incidental expenses.

(c) A member of the board shall not be personally liable for any official action of the board and the rights of creditors of the board shall be solely against the board as a corporate and politic body No member or employe of the board shall have or acquire any interest direct or indirect in any contract or proposed contract for materials or services to be used in connection with any activity of the board If any member or employe of the board owns or controls an interest direct or indirect in any property included in any plan or public works before the board and acquired prior to his appointment he shall disclose the same in writing to the board and such disclosure shall be entered upon the minutes of the board Any member of the board having such interests shall refrain from voting or participating in any manner in connection with such an activity of the board

Section 4 State Planning Secretary The board with the approval of the Governor shall appoint and fix the compensation of a planning secretary who shall act as executive director of the board and who shall conduct the work of the board under its supervision The planning secretary shall hold no other position in the service of the Commonwealth or any subdivision thereof and shall be technically qualified for the duties of his office

Section 5 Powers and Duties of the Board The board is hereby authorized in order to promote the well-being and happiness of the citizens of the Commonwealth to

(a) Prepare and make planning studies surveys and maps for the collection of data concerning or pertaining to zoning soil conditions land use and classification population trends and distribution the wealth of the Commonwealth and the buying power of its people unemployment parks parkways and playground development port harbor and waterway development highways traffic water supply drainage sewerage real property inventories building and housing conditions wages and incomes governmental subdivisions of the Commonwealth flood control stream pollution competitive situations faced by industries of the Commonwealth changing agriculture education social security and welfare and such other subjects as affect the health and welfare of the people of the Commonwealth

(b) Advise and cooperate with the various departments and other agencies of the State government with a view to coordinating plans related to activities of the Commonwealth

(c) Advise and cooperate with the various governmental subdivisions of the Commonwealth with a view to coordinating plans related to activities of these subdivisions

(d) Cooperate fully with the Federal government in any emergency or long range program or plans to relieve unemployment and to promote the well-being happiness and economic welfare of the people of the Commonwealth The board shall continue cooperation with the National Resources Board the Public Works Administration and such other Federal agencies which have or may in the future request such cooperation

(e) Evaluate classify and recommend construction or other unemployment relief projects State and local to be executed wholly or in part with Federal funds The board is hereby authorized and empowered to use and expend any funds coming into its hands for the purposes of this act and is hereby authorized and empowered to use any funds provided by the United States government or any agency thereof for such purposes The board is authorized to act as agent for any agency of the United States government when so requested

(f) Develop with State departments and local groups and agencies plans to make possible the development of a program of public works for use during periods of economic depression

(g) Make special studies for the Governor the Legislature or any department or agency of the government of the Commonwealth when requested and provided for

(h) Cooperate with and assist any community within the Commonwealth desiring to organize a planning body or group

(i) Cooperate with planning boards and similar bodies of other states in formulating comprehensive regional plans

(j) Request and receive from the various State departments and other agencies of the Commonwealth and its governmental subdivisions such available information as it may require in its work All public officials shall within a reasonable time furnish such requested information to the board

(k) The board its members agents or employes may in the performance of their duties enter upon any land and make any examination and surveys necessary to the performance of the board's duties

(l) To have a seal and alter the same at pleasure

Section 6 Constitutionality The provisions of this act are severable and if any of the provisions thereof are held to be unconstitutional and decision shall not be construed to impair any other provision of this act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included therein All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 Appropriations The sum of two hundred and fifty thousand dollars ($250,000) is hereby specifically appropriated to the Pennsylvania State Planning Board for the biennium ending May thirty-first one thousand nine hundred and thirty-seven for the purposes of carrying into effect the provisions of this act

Section 8 When to Take Effect This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1967, as follows:

An Act to amend the title and to further amend section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws seven hundred seven) entitled "An act fixing the liability of the counties poor districts and the Commonwealth for the support of the indigent and partly indigent insane in State institutions" by including notice in the title that said act includes indigent patients whether insane mental defectives epileptics or other mental patients by extending the provisions of the act to include indigent patients whether mental defectives epileptics or other mental patients and by further defining the liability of the counties poor districts and the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws seven hundred seven) entitled "An act fixing the liability of the counties poor districts and the Commonwealth for the support of the indigent and partly indigent insane in State institutions" is hereby amended to read as follows

An Act Fixing the liability of the counties poor districts and the Commonwealth for the support of [the] indigent and partly indigent patients whether insane mental defectives epileptics or other mental patients in State institutions

Section 2 That section one of the said act as last amended by the act approved the twenty-third day of May one thousand nine hundred thirty-three (Pamphlet Laws nine hundred seventy-five) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the part of the cost of the care and maintenance including clothing of the indigent patients whether insane mental defectives epileptics or other mental patients whether chronic or otherwise in the State hospitals or schools for the insane mental defectives epileptics or other mental patients payable by the counties or poor districts is hereby fixed at the uniform rate of three dollars per week for each person which shall be chargeable to the county or poor district from which such insane [person] mental defective epileptic or other mental patient shall have come and the amount of the aforesaid cost over and above three dollars per week chargeable to the counties or poor districts shall be paid by the Commonwealth provided That where a portion of the cost of the care and maintenance including clothing is collected during any billing period from such patient's estate or any other person or persons then one-half of the amount so collected during such billing period shall be credited to the county or poor district liable for such patient's support If the Department of Revenue shall subsequently collect or receive from the patient or any other person or persons all or part of the cost of the care and treatment including clothing of such patient for which the county or poor district was billed and which it has paid then the department shall extend to such county or poor district in the next periodical billing a proper credit whether or not in such billing there be any charge for the care and treatment including clothing of the particular patient The amount of such credit shall be one-half of such amount subsequently collected Such county or poor district shall not in any case receive credits aggregating more nor be liable for more than three dollars per week per patient

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-five and shall apply to all indigent patients in State institutions

whether committed prior to or subsequent to the first day of June one housand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1555, entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" which was amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 503 Refunds of State Taxes License Fees Et Cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys alleged to have been paid to the Commonwealth as the result of an error of law or of fact or of both law and fact and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose or to credit the account of the person association corporation body politic or public officer entitled to the refund All such petitions must be filed with the board within two years of the payment alleged to have been erroneously made except

(1) When the estate upon which any transfer inheritance tax has been erroneously paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been assessed and paid which overvaluation could not have been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue within one year from the termination of such litigation or ascertainment of such overvaluation

(2) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the board shall be filed within six months after the court shall have rescined its order and adjudication

(3) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconstitutional or under an interpretation of such provision subsequently held by such court to be erroneous In such case the petition to the board shall be filed within five years of the payment of which a refund is requested

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within forty-five days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within the time allowed by law for the payment thereof without interest it may allow the petition and refund the amount of the penalty or any part thereof out of any appropriation or appropriations made for the purpose or credit the accounts of the person association corporation body politic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petitions for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

(d) All petitions filed under this section shall be in such form as the board shall prescribe.

(e) [The action of the board on all petitions filed under this section shall be final] An appeal from the action of the Board of Finance and Revenue disallowing or refusing a refund or a remission of a penalty under the provisions of this section may be taken within sixty days after the action of the board to the court of common pleas of Dauphin County in the same manner and with like effect as in the case of appeals from tax settlements From the decision of the court of common pleas of Dauphin County an appeal may be taken by either the Commonwealth or the petitioner to the Superior or Supreme Court as in other cases Any refund or remission of a penalty as finally determined by the court shall be paid or credited by the

board in like manner as refunds or remissions of penalties allowed by the board are paid or credited

On the question,

Will the House agree to the section?

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, page 4, line 26, by striking out the word "rescined" and inserting in lieu thereof "rescinded"

Amend Section 1, page 6, line 5, by inserting after the word "after" the following: "the penalty was imposed"

Amend Section 1, page 6, line 7, by striking out the entire of said line

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2138, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State bands and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and officers directors trustees and employes of such corporations and persons

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six section one thousand seven and section one thousand nine of the act aproved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 1006 Limitations upon Loans to One Corporation or Person A A bank or a bank and trust company shall not directly or indirectly lend to any corporation or person an amount which including any extension of credit to such corporation or person by means of letters of credit or by acceptance of drafts for or the discount or purchase of the notes bills of exchange or other commercial paper of such corporation or person shall exceed [twenty-five] ten per centum of the unimpaired capital and [twenty-five] ten per centum of the unimpaired surplus of the bank or bank and trust company However this restriction shall have no application whatsoever to the following

(1) Loans to the United States or loans secured by not less than the face amount of bonds or other interest-bearing obligations of the United States or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the United States is pledged

(2) Loans to the Commonwealth of Pennsylvania or any county or city thereof or loans secured by bonds or other interest-bearing obligations of the Commonwealth or of any county or city thereof or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the Commonwealth or any county or city thereof is pledged

(3) The discount of drafts or bills of exchange drawn in good faith against actual existing values

(4) The discount of trade acceptances or other commercial paper actually owned by the corporation or person negotiating it to the bank or bank and trust company and endorsed without restriction by such corporation or person

(5) The discount of notes secured by shipping documents warehouse receipts or other similar documents con-

veying or securing title to readily marketable non-perishable staple goods including live-stock when the actual market value of the property securing the obligations is not at any time less than one hundred fifteen per centum of the face amount of the notes secured by such documents and when such property is fully covered by insurance

(B) However a bank or a bank and trust company may in addition to the [twenty-five] ten per centum authorized by this section lend any corporation or person an additional fifteen per centum of the unimpaired capital and fifteen per centum of the unimpaired surplus of the bank or the bank and trust company if such additional fifteen per centum is secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the liability so secured

C In computing the total liabilities of any individual to a bank or a bank and trust company there shall be included all liabilities to the bank or bank and trust company of any partnership or any unincorporated association of which he is a member [and] any loans made for his benefit or for the benefit of such partnership or unincorporated association [.] and any loans made to or for the benefit of a corporation of which he owns fifty per centum or more of the capital

In computing the total liabilities of any partnership or unincorporated association to a bank or a bank and trust company there shall be included all liabilities of its individual members to such bank or bank and trust company [or] loans made for the benefit of such partnership or unincorporated association or any member thereof [.] and loans made to or for the benefit of any corporation of which the partnership or unincorporated association or any member thereof owns fifty per centum or more of the capital

In computing the total liabilities of any corporation to a bank or a bank and trust company there shall be included all loans made for the benefit of the corporation [.] and all loans to or for the benefit of any individual to any partnership or unincorporated association or any member thereof who owns fifty per centum or more of the capital of such corporation

A loan shall be deemed to be made for the benefit of a corporation or a person to the extent that the proceeds of such loan are transferred to such corporation or person

Section 1007 Loans to Directors Officers or Employes of a Bank or Bank and Trust Company Penalty A [A bank or a bank and trust company shall not grant any loan to a director thereof either directly or indirectly in an amount which including therein any extension of credit by means of letters of credit or by acceptance of drafts for or the discount or purchase of notes bills of exchange or other obligations of such director will exceed ten per centum of the unimpaired capital plus ten per centum of the unimpaired surplus of such bank or bank and trust company unless any such loan in excess of such ten per centum of the unimpaired capital and the unimpaired surplus shall be secured by not less than a like amount of bonds or other interest-bearing obligations of the United States or of the Commonwealth of Pennsylvania]

[B] A bank or a bank and trust company shall not unless such loan shall be secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the loan so secured grant to any director officer or employe thereof any loan or line of credit without (1) the prior affirmative vote or the prior written assent filed in the place of business of the institution of a majority of all the directors of the bank or bank and trust company granting the loan except that if it is a director who is directly or indirectly interested in obtaining the loan he shall not have a vote or (2) the prior vote of a majority of the executive committee of the board of directors subsequently ratified by an affirmative vote of a majority of the members of the board of directors present at the meeting at which such action of the executive committee shall be ratified

[C] B A bank or a bank and trust company shall not grant a loan in excess of one thousand dollars to a salaried officer or employe thereof or to a salaried officer or employe of an affiliated bank bank and trust company or trust company or an affiliated national banking association as defined in this act unless the amount of the loan in excess of one thousand dollars be secured by readily marketable collateral the market value of which shall at no time be less than one hundred and twenty per centum of the amount of the loan in excess of one thousand dollars This section shall not apply to loans to any such salaried officer or employe upon the security of a mortgage upon the home of such salaried efficer or employe

[D] C Any director officer or employe of a bank or a bank and trust company who on behalf of such bank or bank and trust company knowingly grants a loan in violation of this section and any director officer or employe of such bank bank and trust company trust company or national banking association who wilfully accepts such a loan with knowledge that it was granted in violation of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the loan he shall furthermore be forever disqualified from acting as a director officer or employe of any institution in this Commonwealth

Section 1009 Limitation upon Investing in Shares A Except as otherwise specifically authorized by this act a bank or a bank and trust company shall not purchase or invest in the shares of capital of any corporation whatsoever

B Any bank or bank and trust company may purchase or invest in the shares of a Federal Reserve Bank national banking association or any bank bank and trust company or trust company incorporated under the laws of this Commonwealth or of any corporation organized for the purposes of conducting a safe deposit business [and may also purchase or invest in the shares of other corporations an amount which shall not exceed twenty-five per centum of the unimpaired capital and twenty-five per centum of the unimpaired surplus of such bank or bank and trust company in the shares of any corporation]

C Any bank and trust company may in exchange or in consideration for such assets and property as comprised its title insurance business take and hold the shares of any corporation organized and existing under the laws of this Commonwealth for the purpose of conducting a title insurance business provided that such shares shall not except with the written approval of the Department be entered upon its books at an amount greater than the amount at which the assets and property which comprised its title insurance business theretofore entered upon its books

[C] D This section shall not be construed to affect the power of a bank or a bank and trust company to take or hold shares of capital of a corporation in accordance with the provisions of this act as security for loans granted by such bank or bank and trust company

On the question,

Will the House agree to the section?

Mr. MENTZER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 4, line 25 by inserting after the word "lend" the following: "to"

Amend Sec. 1, page 6, line 6 by striking out the letter "A" after the word "Penalty"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and officers directors trustees and employes of such corporations and persons

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2132 as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section one thousand one hundred one Section one thousand one hundred two Section one thousand one hundred six and Section one thousand one hundred eight of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 1101 Power of Bank to Become Bank and Trust Company Acquisition of Fiduciary Powers A bank which has an aggregate unimpaired capital and [an] unimpaired surplus at least equal to the aggregate capital and surplus required by this act for the incorporation of a bank and trust company provided that its unimpaired capital is at least equal to the capital required by this act for the incorporation of a bank and trust company may by amending its articles of incorporation in the manner provided by this act acquire the additional power of and thereby become a bank and trust company Such bank upon becoming a bank and trust company shall include in or add to its corporate name the words "and trust company" in accordance with the provisions of this act but the amendment to the articles of incorporation of a bank by virtue of which such bank is to become a bank and trust company shall be approved by two-thirds of all the shareholders of such bank

Section 1102 Powers of Bank and Trust Companies or Trust Companies In addition to the general corporate powers granted by this act and in addition to any power specificially granted to a bank and trust company or a trust company elsewhere in this act a bank and trust company or a trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To act as fiduciary and pursuant thereto to receive and dispose of real or personal property

(2) To act as agent or attorney in fact

(3) To act as transfer or fiscal agent and registrar of shares bonds or other obligations

(4) To [poll] pool mortgages or securities for the investment of funds held by it as fiduciary

(5) In the case of certain existent bank and trust companies or trust companies to insure owners mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances

Section 1106 Capital of Bank and Trust Company or Trust Company in Lieu of Bond A bank and trust company or a trust company acting as a fiduciary shall not be required to execute the bond or put up the security required by law of fiduciaries but its capital shall be considered as the security required by law for the faithful performance of its duties The capital of such bank and trust company or such trust company shall be absolutely liable in case of any default whatsoever

Section 1108 Segregation and Designation of Trust Funds Deposit of Uninvested Funds A bank and trust company or a trust company shall keep all funds property or investments held by it in a fiduciary capacity separate and apart from the assets of such bank and trust company or trust company All investments made by a bank and trust company or a trust company as fiduciary including fractional interests in investments may be held in the name of such bank and trust company or trust company or in the name of a nominee of such bank and trust company or trust company but all such investments shall be so designated upon the records of such bank and trust company or trust company that the estate to which such investments belong shall be [apparent] clearly shown upon such records at all times [But such] Such bank and trust company or such trust company may however clear receipts and payments of such funds in the regular course of business in the same manner as other funds held by it Funds held by a bank and trust company or a trust company as fiduciary awaiting investment or distribution

may be deposited in any other institution in any national banking association or with any corporation or person in any other state which is authorized to receive deposits and is subject to the full supervision of the banking authorities of such other state or in the case of a bank and trust company may be used by it in the conduct of its business If such funds held by a bank and trust company as fiduciary are used by such bank and trust company in the conduct of its business there shall be pledged or hypothecated by such bank and trust company with the trust department of the bank and trust company acting as fiduciary interest bearing bonds or other obligations of the United States or these for the payment of the principal and interest on which the faith and credit of the United States is pledged or of the Commonwealth of Pennsylvania or such other securities as may be approved the department The par value of the bonds other obligations or securities so pledged or hypothecated to secure such funds or the market value if such market value is less than the par value shall at all times be equal to an amount not less than the funds so used or deposited provided that security for such funds shall not be required to the extent that such funds are insured under the provisions of Section twelve-B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements If the bank and trust company which has put up such collateral should fail or be taken in possession by the department the estate from which the funds were taken shall have a lien for the amount of such funds on the bonds other obligations or securities so pledged or hypothecated in addition to their claim against the estate of such bank and trust company

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1785 as follows:

An Act Providing that certain unincorporated organizations or associations may sue and be sued by their name and regulating the service of process and pleadings in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any unincorporated organization or association consisting of five or more persons and having a recognized name may sue or be sued by such name in an action at law affecting the common property rights and liabilities of such organization All process pleadings and other papers in such action may be served upon the President Vice-President Treasurer or Secretary of such organization or association in the same manner as is now provided by law in the case of service of legal process in personal actions Such action shall have the same force and effect as regards the common property rights and liabilities of such organization or association as if it were prosecuted against all members thereof and such action shall not abate by reason of the death resignation removal or legal incapacity of any officer of such organization or association or by reason of any change in the membership thereof Provided however that any judgment obtained in any action instituted under the provisions of this act shall be enforceable and collectible only against the property of the unincorporated organization or association and not against the assets of the individual members

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 236 as follows:

An Act Authorizing and regulating the reorganization of banks and bank and trust companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any plan for the reorganization of a bank or a bank and trust company which the Department of Banking shall deem equitable and to the best interests of all depositors other creditors and shareholders may be adopted subject to any terms or conditions prescribed by the Department of Banking in the manner hereinafter provided in this act

Section 2 The plan of reorganization shall be valid only if approved after such notice as the Department of Banking shall sanction by the holders of at least seventy-five per centum of the outstanding shares of capital stock of the bank or the bank and trust company and by depositors and other creditors of such bank or of such trust company to whom is due at least seventy-five per centum of the total amount of all liabilities of the bank or the bank and trust company to depositors and other creditors However claims of depositors or other creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the total deposits and other liabilities of the bank or the bank and trust company in computing the seventy-five per centum thereof required by this section

Section 3 In the case of a bank or a bank and trust company which has restricted the withdrawal of deposits and which has received or is receiving new deposits in accordance with the provisions of Act Number six approved the eighth day of March one thousand nine hundred thirty-three entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" the plan of reorganization shall provide for the payment of all such new deposits in full and upon demand After a plan of reorganization has become effective every such new deposit shall continue to be segregated until the bank or the bank and trust company shall receive from the depositor written authority signed by him to mingle his new deposit with the other funds of the bank or bank and trust company in the event of the subsequent liquidation of such bank or such bank and trust company by the Secretary of Banking or by liquidating trustees any new deposits which have been mingled with the other funds of the bank or the bank and trust company pursuant to the provisions of this section shall have no preference over any other deposits At any time after the plan of reorganization has become effective the bank or the bank and trust company shall have power to repay in full any such new deposit the owner of which shall refuse to authorize the bank or the bank and trust company in the manner provided by this section to mingle his deposit with the other funds of such bank or such bank and trust company

Section 4 Any plan of reorganization which shall have been adopted and approved in the manner provided by this act shall be binding upon all depositors other creditors and shareholders of the bank or the bank and trust company whether or not they have consented to such plan of reorganization

Section 5 This act shall apply to all banks or bank and trust companies within this Commonwealth incorporated under general or special act of General Assembly whether or not they are operating upon a restricted basis in accordance with the provisions of the aforementioned Act Number six approved the eighth day of March one thousand nine hundred thirty-three but it shall not apply to banks or bank and trust companies in possession of the Secretary of Banking

Section 6 If any part of this act shall be declared unconstitutional by any court the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 7 The power of a bank or a bank and trust company to reorganize in the manner provided by this act shall be in addition to any power to reorganize granted and notwithstanding any limitation imposed by existing law The operation of any act or part of any act inconsistent herewith shall be suspended during the period this act shall continue to be effective

Section 8 This act shall become effective immediately upon its approval by the Governor and shall be retroactive to the thirty-first day of March nineteen hundred thirty-five and shall continue to be effective until the thirty-first day of March one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 9, as follows:

An Act to amend clause I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to light the streets highways and public places and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

I Lighting Fire Protection To light and illuminate the streets highways and other public places of the township with electric light gas or other illuminating medium and to provide for refraying the cost charges and expenses thereof from revenues derived from the general road tax and for such purposes to enter into contracts or agreements with any person copartnership association or corporation for a period not exceeding five years for the purposes of securing and maintaining a supply of light

To provide for the protection of property from fire and for such purposes to erect and place fire hydrants and purchase the necessary hose or to enter into contracts with water companies for the erection and placing of fire hydrants along the highways and to provide for defraying the cost charges and expenses thereof from revenues derived from the general road tax

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2236, as follows:

An Act for the protection of the public and the prevention of fraud by prohibiting any person individually or in association or partnership with another person or persons to practice as an accountant auditor certified public accountant or public accountant under a false assumed fictitious or trade name prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the protection of the public and the prevention of fraud it shall hereafter be unlawful for any person individually or in association or partnership with another person or persons to practice or hold himself or herself out to the public as engaged or legally authorized to engage in practice as an accountant certified public accountant auditor or public accountant under a false fictitious or assumed name or under the name of a former associate associates partner or partners of such business or profession who is no longer actually associated with such practice by reason of death or otherwise Nothing contained in this act shall be construed as prohibiting the use of a trade partnership association or company name if such name includes only the name or names of associates or partners actually engaged in practice under such name

Section 2 In the case of the dissolution of a partnership caused by the death of a partner and in the case of the death of an individual the name of the deceased partner or of such individual may be used by the surviving partner or partners of the employes of such individual for a period not exceeding three years in order to assist in the orderly liquidation of the estate of such deceased partner or individual

Section 3 No corporation shall hereafter be organized or registered in this Commonwealth to engage in practice as an accountant certified public accountant auditor or public accountant nor shall any person permit or aid any corporation in the doing of any act in violation of the provisions of this act

Section 4 Any corporation organized or registered in this Commonwealth to engage in the practice as an accountant certified public accountant auditor or public accountant prior to the time when this act was finally enacted may continue to engage in such practice until the said first day of January one thousand nine hundred and thirty-seven but no such corporation so organized or registered shall be permitted to engage in such practice after said first day of January one thousand nine hundred and thirty-seven

Section 5 Any person firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or imprisonment not exceeding three months or both at the discretion of the court

Section 6 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 7 This act shall become effective immediately upon final enactment except sections one and two thereof which shall become effective the first day of January one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1110 as follows:

An Act to amend section sixty-two of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" prohibiting the imposition of costs on a defendant in the case of a directed verdict of acquittal

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section sixty-two of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal procedings and pleadings" is thereby amended to read as follows

Section 62 In all prosecutions cases of felony excepted if the bill of indictment shall be returned ignoramus the grand jury returning the same shall decide and certify on such bill whether the county or the prosecutor shall pay the costs of prosecution and in all cases of acquittals by the petit jury on indictments for the offenses aforesaid the jury trying the same shall determine by their verdict whether the county or the prosecutor or the defendant shall pay the costs or whether the same shall be apportioned between the prosecutor and the defendant and in what proportions provided however in the case of a directed verdict for the defendant the cost or any portion thereof shall not be placed on the defendant and the jury grand or petit so determining in case they direct the prosecutor to pay the costs or any portion thereof shall name him in their return or verdict and whenever the jury shall determine as aforesaid that the prosecutor or defendant shall pay the costs the court in which the said determination shall be made shall forthwith pass sentence to that effect and order him to be committed to the jail of the county until the costs are paid unless he give security to pay the same within ten days

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2015, as follows:

An Act authorizing cities boroughs and towns to construct acquire own operate and control water-works and gas works and appurtenances thereto and to sell water and gas both within and without their corporate limits and conferring the power of eminent domain to acquire property for such purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city borough or town within the State is hereby authorized and given power to construct acquire own operate and control its own waterworks or gas works or both and to add to and maintain lands easements rights-of-way pipe lines franchises and distribution system to enable it to use purchase sell and dispose of water or gas or both inside or outside its corporate limits or to connect its water-works or gas works with any other system or works

Section 2 Any city borough or town within the State now or hereafter owning its own water-works or gas works shall have the right to sell and dispose of water or gas to any other city borough or town or any governmental agency or municipal corporation mutual association or to any person copartnership association or corporation inside or outside its corporate limits

Section 3 Any city borough or town is hereby authorized to exercise the power of eminent domain which is hereby granted under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such city borough or town Provided however That no city borough or town shall acquire by purchase or condemnation any publicly or privately owned waterworks or gas works and the appurtenances thereto located in any other city borough or town except with the approval of a majority of the qualified voters of the city borough or town in which the property to be acquired is located nor shall any city borough or town acquire by condemnation the waterworks or gas works or any part thereof belonging to or owned or operated by any municipal corporation mutual non-profit or cooperative association or organization or a public utility district

Section 4 If any part of this act shall be adjudged to be invalid or unconstitutional such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole or any part thereof not adjudged invalid or unconstitutional It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional part not been included therein The provisions of this act shall be cumulative and nothing herein contained shall abridge or limit the powers of cities boroughs or towns under other existing laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2197 as follows:

An Act authorizing cities boroughs incorporated towns townships of the first class and school districts coextensive with townships of the second class to incur temporary indebtedness not in excess of the amount due such municipalities or quasi municipalities from the Liquor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any city borough incorporated town township of the first class or school district coextensive with a township of the second class to incur temporary indebtedness to the extent of any moneys due such municipality or quasi municipality from the Liquor License Fund under the provisions of the Pennsylvania Liquor Control Act which moneys were not paid to such municipality or quasi municipality by the Commonwealth at the time or times required by law or before the incurrinv of such indebtedness

Section 2 The resolution or other action of the proper municipal authorities authorizing the creation of such indebtedness shall stipulate that such indebtedness shall be paid and satisfied out of the first moneys received from the Liquor License Fund and such moneys shall be used or expended for no other purpose until such indebtedness shall be fully paid and satisfied

Section 3 The power hereby granted shall be in addition to the powers granted to such municipalities or quasi municipalities to create temporary indebtedness under existing law

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2188 as follows:

An Act requiring community welfare organizations federations and associations and community chest organizations to have their accounts and financial affairs audited annually and to furnish copies to contributors on demand and providing penalties.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be the duty of each and every community welfare organization federa-

tion or association or so called community chest organization seeking contributions from the public for the maintenance of benevolent and charitable institutions hospitals homes and character building agencies to have made by a certified public accountant or other qualified agency annual audit of its accounts and financial affairs as of its fiscal year and copies of such audits showing in detail the receipts and expenditures of such organization federation or association and the names of the persons employed by it together with salaries compensation and expenses paid to them respectively shall be furnished to each and every contributor to such organization federation or association upon demand Any officer agent or employe of any such organization federation or association failing or refusing to have made such annual audit or refusing to furnish a copy thereof to any contributor on demand shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars or suffer imprisonment for not more than six months or both at the discretion of the court

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1641 as follows:

An Act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following terms shall unless the context otherwise indicates have the following respective meanings

(a) The term 'farm produce" shall include all agricultural horticultural vegetable fruit and floricultural fruit products of the soil poultry eggs nuts flowers and honey but shall not include timber products tea or coffee

(b) The term "on consignment" shall mean any receiving or sale of farm produce for the account of a person other than the seller wherein the seller acts as the agent for the owner

(c) The term "net return basis" shall mean a purchase for sale of farm produce from a producer or shipper at an unfixed or unstated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbiter of the price to be paid

(d) The term "commission merchant" shall include every person association copartnership or corporation who or which receives sells or offers for sale on consignment or on a net return basis within this Commonwealth any kind of farm produce

(e) The term "Department" shall mean the Department of Agriculture of this Commonwealth

Section 2 The provisions of this act shall not apply to

(a) The sale of farm produce at public auction by a duly licensed auctioneer acting as the agent of another to whom such farm produce shall have been consigned

(b) Farm produce purchased outright and unconditionally or for cash f o b point of origin

(c) Farmers who sell produce for themselves and their neighbors in farmers markets or at roadside

(d) Seeds sold at retail

(e) Agricultural cooperative associations which market farm products for their members

Section 3 It shall be unlawful for any commission merchant to operate as such at any place of business in this Commonwealth unless he or it shall hold a license issued by the Department for such place of business as in this act provided

Section 4 Every commission merchant desiring to transact business within this Commonwealth shall annually on or before June first file an application for such license with the Department The application shall be on a form furnished by the Department and together with such other information as the Department shall require shall state

(a) The kind or kinds of farm produce which the applicant proposes to handle

(b) The full name or title of the applicant or if the applicant be an association or copartnership the name of each member of such association or copartnership or if the applicant be a corporation the name of each officer of the corporation

(c) The names of the local agent or agents of the applicant if any

(d) The cities boroughs towns and townships within which places of business of the applicant will be located together with the street or mailing address of each

Section 5 Unless the Department refuses the application on one or more of the grounds hereinafter provided it shall issue to such applicant upon the payment of proper fees and the execution and delivery of a bond as hereinafter provided a license entitling the applicant to conduct business as a commission merchant at each place named in the application until the first day of July in the year next following The fee for such license shall be ten dollars ($10) for each place of business which the applicant desires to conduct and names in the application

Section 6 Before any license shall be issued the applicant therefor shall make and deliver to the Department a surety bond in the amount of at least one thousand dollars ($1,000) or in such greater amount as the Department may determine based on the amount of business done or estimated to be done in the future by the applicant executed by a surety corporation authorized to transact business in this Commonwealth to the Commonwealth of Pennsylvania to the use of consignors of farm products handled by the applicant Such bond shall be conditioned to secure the faithful accounting for and payment to consignors of the proceeds of all farm products handled or sold by such commission merchant Actions or suits upon the appropriate bond may be brought directly by any consignor his representatives successors or assigns to whom the principal named in such bond has failed to render an account or to make payment for farm products in any court of competent jurisdiction to recover for any loss or damage resulting from such breach of the condition of such bond Provided however That in lieu of such bond the Department may accept and hold sufficient collateral of the applicant which shall in all respects be subject to the same claims and actions as would be against the bond

Section 7 Every commission merchant shall upon the receipt of farm produce and as he handles and disposes of the same make and preserve for at least one year a record thereof specifying the name and address of the consignor the date of receipt the kind and quality of such produce the amount of goods sold the name and address of the purchaser except that where sales total less than five dollars ($5) in value such sales may be made to order of "cash" the selling price thereof and the items of expenses connected therewith and an "account sales" together with payment in settlement for said shipment shall be mailed to the consignor within forty-eight hours after such sale unless otherwise agreed in writing

Section 8 The Department shall have power to investigate upon complaint in such form as it may require of an interested person or upon its own initiative the record of any applicant or licensee or any transaction involving the solicitation receipt sale or attempted sale of farm produce on a consignment or net return basis the failure to make proper and true accounts and settlements at prompt and regular intervals the making of false statements as to condition quality or quantity of goods received or while in storage the making of false statements as to market

conditions with intent to deceive or the failure to make payment for goods received or other alleged injurious transactions and for such purposes the Department may examine at the place or places of business of the applicant or licensee that portion of his ledgers books of accounts memoranda or other documents which relate to the transactions involved and may take testimony thereon under oath

Section 9 The Department may decline to grant a license or may revoke a license already granted if it is satisfied that the applicant or licensee has either

1 Had a money judgment entered against him upon which execution has been returned unsatisfied or

2 Make false charges for handling or services rendered or

3 Failed to account promptly and properly or to make settlements with any consignor or

4 Made any false statement or statements as to condition quality or quantity of goods received or held for sale on consignment or on a net return basis when he could have ascertained the true condition quality or quantity by reasonable inspection or

5 Made any false or misleading statements as to market conditions or service rendered or

6 Been guilty of a fraud in the attempt to procure or the procurement of a license or

7 Directly or indirectly purchased goods for his own account without prior authority therefor or without notifying the consignor thereof

Section 10 Before the Department shall decline to license an applicant or shall revoke the license of a licensee it shall give ten days notice by registered mail to such applicant or licensee of a time and place of hearing At such hearing the applicant or licensee shall be privileged to appear in person or by or with counsel and to produce witnesses After such hearing the Department shall take such action as it shall deem appropriate under the facts as it believes them to be

Section 11 Any commission merchant aggrieved by any decision of the Department shall have the right of appeal therefrom to the court of common pleas of Dauphin County

From a decision of the court of common pleas of Dauphin county an appeal may be taken by either party to the Superior or Supreme Court of Pennsylvania as in other cases

Pending final disposition of an appeal under this section the Department may for special cause shown grant temporary permission revokable at any time and subject to such terms and conditions as the Department may prescribe to transact business as a commission merchant under this act but unless such permission be granted any applicant to whom a license has been refused and any licensee whose license has been revoked by the Department who shall do business as a commission merchant shall be liable therefore to the same extent as if no application had been filed

Section 12 Any commission merchant violating the provisions of section three of this act shall be guilty of a misdemeanor and upon conviction thereof shal be sentenced to pay a fine of not less than three hundred ($300) nor more than five hundred dollars ($500) or imprisonment for not more than one year or both at the discretion of the court

Section 13 The Attorney General at the instigation of the Department may in the name of the Commonwealth institute proceedings in equity in the court of common pleas of Dauphin county for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 14 The Department shall be charged with the enforcement of this act All money received from license fees and fines shall be immediately paid by the Department into the State Treasury through the Department of Revenue

Section 15 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2104, entitled:

An Act to amend section two hundred and twenty-three of and to add sections two hundred and twenty-six and two hundred and twenty-seven to the act approved the fourtenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor the Department of Public Welfare and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and twenty-three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 223 AUDIT OF ACCOUNTS FINANCIAL REPORT TO DEPARTMENT OF INTERNAL AFFAIRS The directors of the poor shall keep accurate accounts of all moneys received by them in any way for the purpose of this act as well as all paid out including such reasonable expenses as they may incur in carrying out their duties All accounts [under this act] in county unit districts shall be audited by the county controller or county auditors as the case may be In all other poor districts the accounts shall be audited by the auditors now provided for by law

The controller auditor or auditors authorized by law to audit the accounts of any poor district shall also annually make a report of the financial condition of the poor district to the Department of Internal Affairs signed and duly verified by oath The report shall be presented on a uniform form prepared and furnished as provided in section two hundred and twenty-seven of this act and it shall be filed within sixty days after the close of the fiscal year Any auditor refusing or wilfully neglecting to file such report shall upon conviction in a summary proceding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond sixty days and costs All fines recovered shall be for the use of the Commonwealth

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2105, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto section one thousand two hundred and nine providing for the preparation and furnishing by the Department of Internal Affairs to counties (except counties of the first class) cities of the third class boroughs towns townships certain school districts and poor districts of suitable blank forms for annual budget making and financial report purposes and requiring the Department to compile comparative statistics therefrom

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by adding thereto section one thousand two hundred and nine which reads at follows

Section 1209 Local Government Budget and Financial Reports compilation of Statistics The Department of Internal Affairs shall have power and its duty shall be

(a) To prepare in cooperation with duly authorized committees of local government officials and furnish annually at the expense of the Commonwealth to the corporate authorities of each county (except counties of the first class) city of the third class borough incorporated town township school district of the second third and fourth class and poor district blank forms suitable for the making of budgets by the proper authorities of said local governments and for the filing of a copy of the budget after adoption with said Department

(b) To furnish to the corporate authorities of each county (except counties of the first class) city of the third class borough incorporated town township and poor district suitable blank forms for the making of annual reports of the final condition of their respective local governments to the Department which forms for financial report purposes shall be placed by said corporate authorities into the hands of the director controller or auditors who by law are required to make such financial reports to the Department Such annual financial reports shall be prepared in cooperation with aforesaid duly authorized committees of local government officials and shall contain (1) a statement of the receipts of the unit of local government from all sources and of all accounts and revenue which may be due and uncollected at the close of the fiscal year (2) a statement of the disbursements for all the governmental activities of the unit of local government during the fiscal year (3) a detailed statement to the indebtedness of the unit of local government at the close of the fiscal year the provisions made for the payment thereof together with the purposes for which it was incurred (4) a statement of the cost of ownership and operation of each and every public service industry owned maintained or operated by the unit of local government (5) such further or more specific information in relation to the cost of any branch of the local government and improvements therein as may be required by the Department

In the case of blank forms for financial reports by townships of the second class and poor districts the same shall be so arranged that corresponding data and information required to be reported by said units of local government to the Department of Highways or the Department of Welfare may be used for the information required to be furnished to the Department of Internal Affairs under this section

(c) The substance of the annual budget and financial reports required by law to be made to the Department of Internal Affairs by the corporate officers directors controllers and auditors of units of local government shall be arranged by said Department in such form as shall indicate the comparative receipts from the various sources of revenue and the comparative costs of the several branches of local government in the governments making such reports shall be published at the cost of the Commonwealth in an annual statement of comparative statistics which shall be issued for each class of local government as a public document and shall be submitted by the Department to the General Assembly at each regular session Copies thereof shall also be furnished by the Department to each such local government unit named therein

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2106, entitled:

An Act to amend section five hundred and eleven and section five hundred and sixty-three as amended of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for and regulating methods of making appropriations expenditures contracts and purchases by school districts and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth the Department of Public Instruction and the Department of Internal Affairs and requiring a copy of the budget to be filed with the Department of Internal Affairs

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 511 All payments made by the board of school directors of any school district from the school funds shall be made by proper school orders drawn on the treasurer No work shall be hired to be done no material purchased and no contracts made by any board of school directors which will cause the sums appropriated to specific purposes in the budget to be exceeded No contracts hirings or purchases made not provided for by any appropriation or which will cause any appropriation to be exceeded shall be valid No school order shall be authorized by the board or signed by the president or secretary of any board of school directors unless there are sufficient funds in the treasury of the district to pay the same and no school order shall be made payable at any time in the future or draw interest A separate school order shall be drawn for each account or payment Provided That the monthly payroll of teachers janitors or other employes may be included on one or more orders which may be made payable to the order of such person or persons and distributed in such manner as the board of school directors in any school district may determine

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations, for the purpose of a hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2107 entitled:

An Act to amend sections five hundred forty-seven eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by the township and the making of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred forty-seven eight hundred two nine hundred two and nine hundred three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 547 Completion Publication and Filing of Auditors' Statement Filing of Report with Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the township a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of quarter sessions When any two offices are exercised by the same person only one statement shall be required

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year signed by each auditor and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented on a uniform form prepared and furnished as provided in section nine hundred and two A of this act to avoid unnecessary duplication in the preparation of reports this report shall include the information required in section five hundred eighteen of this act to be reported to the State Department of Highways

Section 802 Letting Contracts All purchases of materials equipment [and/or] and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

No materials shall be purchased and no contract made by the supervisors in any amount which will cause the sums set aside in the budget for such purposes to be exceeded No contracts or purchases not provided for by moneys in the budget or which shall cause any account in the budget to be exceeded shall be valid

All [such] contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment [and/or] and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

Section 902 Annual Budget The board of township supervisors of townships of the second class shall annually [before their organization meeting in January or as soon thereafter as practicable make a written estimate of the amount of money required] at least sixty days prior to the beginning of the fiscal year prepare a proposed budget or annual estimates of revenues and expenditures for the ensuing fiscal year beginning on the first Monday of January which shall be filed with the treasurer The budget shall be prepared on a uniform form prepared and furnished as provided in section nine hundred and two A of this act [Such] The estimates in the budget for the purpose of aiding the board in determining how much road [tax] and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

[(d)] (e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Final action shall not be taken on the proposed budget until at least one public hearing has been held thereon after public notice by publication in one newspaper of general circulation circulating in the township at least ten days prior to the date of the hearing It shall be the duty of the board of supervisors to arrange for and hold such hearing A sufficient number of copies of the proposed budget shall be published or otherwise made available for public inspection by all who interest themselves at least twenty days prior to the date set for such hearing After such hearing the board of supervisors after making such revisions and changes in the budget as appear advisable shall adopt the budget and at the same time fix the tax rate for the ensuing fiscal year Such action shall be taken at least thirty days before the beginning of the next fiscal year

Within fifteen days after the adoption of the budget the board of supervisors shall file a copy of the same in the office of the Department of Internal Affairs

The supervisors may by resolution transfer unemcumbered moneys from one [fund to another except] road tax account to another but no moneys shall be transferred from the fund allocated for the payment of debt or from any fund raised by a special tax levy for a particular purpose Any such transfer shall be made only during the last two months of the fiscal year The board of supervisors may during a fiscal year make additional appropriations to meet emergencies such as epidemics floods fire and other catastrophies the funds therefor to be provided from unappropriated road revenues if any or from temporary loans

No work shall be hired to be done no purchases made and no order issued for the payment of any moneys by any agent of the township which will cause the sums appropriated to a specific purpose to be exceeded No hirings or purchases made or orders issued not provided for by items in the budget or which shall cause the budget to be exceeded shall be valid

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2108, entitled:

An Act to amend section three hundred forty-five as amended sections three hundred forty-six three hundred sixty-one and three hundred sixty-four of and to add section three hundred seventy and section three hundred seventy point one to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by counties and the making of an annual budget on form prepared by representatives of the county commissioners county controllers and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred forty-five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one) is hereby further amended to read as follows

Section 345 Report to Common Pleas Publication Financial Report to Department of Internal Affairs He shall in the month of January in every year make a report verified by oath or affirmation to the court of common pleas of said county of all receipts and expenditures of the county for the preceding year in detail and classified as required in the preceding section of this act together with a full statement of the financial conditions of the county Such report shall thereupon be published one time in such newspapers published in said county as the controller may direct the aggregate cost of which shall not exceed one thousand five hundred dollars in any one year to be paid for out of the county treasury Such report may also be published in printed pamphlets at the cost of the county The number and cost of such pamphlets to be determinetd by the controller and the county commissioners

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the county in manner and form required to be made by the auditors of the county under the provisions of section three hundred sixty-four of this act and subject to the penalties provided in said section for refusing or neglecting to make said report

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2109, entitled:

An Act to amend sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of and to add section one thousand seven hundred and one A to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by townships and their agents and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal affairs requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 1003 Surcharges Publication and Filing of Statements Financial Report to be Made to Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible Any officer or person whose act or neglect has contributed to the financial loss of the township shall be surcharged by the auditor with the amount of such loss They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary of the township and another copy of such statement with the clerk of the court of quarter sessions when any two officers are exercised by the same person only one statement shall be required

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year The report shall be made on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Such report shall be signed by all of the auditors and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond sixty days and costs All fines recovered shall be for the use of the Commonwealth

Section 1107 Controller's Report Report of Financial Condition to be Made to Department of Internal Affairs The township controller shall as often as he may deem expedient or the board of commissioners shall direct suggest plans to the board of commissioners for the management and improvement of the township finances and he shall make a report verified by oath or affirmation to the board of commissioners at the first stated meeting in January in each year of the public account of the township and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made by the board of commissioners the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation The report shall be published at the expense of the township once a week for two weeks in a newspaper circulating generally in the township

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the township in manner and form required to be made by the township auditors under the provisions of section one thousand and three of this act and subject to the penalties provided in said section for refusing or neglecting to file said report

Section 1701 Annual Budget Regulation of Appropriations The board of township commissioners of townships shall each year [within] at least sixty days [after] prior to the [first Monday of January] beginning of the fiscal year prepare a proposed budget showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses during the [current] next fiscal year and by ordinance appropriate out of the revenues available for the year the specific sums required as shown by the budget as finally adopted The annual tax shall be levied by the township authorities at the same time the budget is adopted and shall be fixed at such figure within the limit [fixed] allowed by law as with all other sources of revenue will meet and cover said appropriations The total appropriation shall not exceed the revenues available for the fiscal year If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the [current] next fiscal year an appropriation may be made for the payment of township orders or indebtedness of the previous years

The budget shall be prepared on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Final action shall not be taken on the proposed budget until at least one public hearing has been held thereon after public notice by publication not more than two times in one newspaper of general circulation circulating in said township at least ten days prior to the date of the hearing A sufficient number of copies of the proposed budget shall be printed and made available for public inspection at least twenty days prior to the date set for the hearing After such hearing the township commissioners after making such revisions and changes therein as appear advisable shall adopt the budget Such action shall be taken at least thirty days before the beginning of the fiscal year

The township commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last two months of the fiscal year

Within fifteen days after the adoption of the budget the township commissioners shall file a copy of the same in the office of the Department of Internal Affairs

The township commissioners may during any fiscal year make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire and other catastrophies the funds therefor to be provided from unappropriated revenues if any or from temporary loans Such temporary loans when made shall be approved by a two-thirds vote of the township commissioners

Section 1802 General Regulations Concerning Contracts All contracts or purchases made by any township involving the expenditures of over five hundred dollars shall be in writing and shall be made only after notice by the secretary published once a week for two weeks in one or more newspapers of general circulation in the township All plans and specifications shall be on file at least fifteen days in advance of opening bids This section shall not apply in the case of any township repairing its public highways except as to any purchases of materials or equipment for the purpose of such repairs

In every instance in which any contract for any public

work construction materials supplies or other matters or things for any township shall be awarded upon competitive bids it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the township commissioners at which meeting bids shall be publicly opened and read If through lack of a quorum or other reason no meeting shall be held at such time and place notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed and the foregoing provisions as to bids shall apply The same course shall be pursued until a meeting shall actually be held for receiving and opening bids Any contract made in violation of the provisions hereof or for which no appropriation has been made or which shall cause any appropriation to be exceeded shall be void But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years Provided That if prior to the letting of any [such] contract taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to sixty per centum or over of the total property valuation as assessed for taxable purposes within the township shall sign and file with the township secretary of the board of township commissioners of the township a written protest against such contemplated contract then such contract shall not be let

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2110 entitled:

An Act to amend sections one thousand and six and one thousand and thirty-five as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating methods of making appropriations expenditures contracts and purchases by boroughs and its agents and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs requiring copy of the annual budget to be filed by council with the Department requiring the auditors or controller to make and file a financial report with the Department and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand and six and one thousand and thirty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which were amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred eighteen) are hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their pro-

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same ceedings

IV Except where otherwise in this act provided to publish once in the newspaper printed in the county every enactment regulation ordinance or other general law at least ten days before the same shall take affect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointment of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment or power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employes insolvency of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough Such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To adopt an annual budget A proposed budget

or [illegible]imate of revenues and expenditures shall be prepared at least sixty days prior to the beginning of the fiscal year The budget shall be prepared on forms furnished as provided in section one thousand and thirty-five of this act Final action shall not be taken on the proposed budget until at least one public hearing has been held thereon after public notice by publication not more than two times in one newspaper of general circulation if any printed in said municipality and if there be no such newspaper publication shall be made in a newspaper of general circulation circulating generally in said borough at least ten days prior to the date of the hearing It shall be the duty of the council to arrange for and hold such hearings A sufficient number of copies of the proposed budget shall be printed and made available for public inspection at least twenty days prior to the date set for the hearing After such hearing has been held the council after making such revision and changes therein as appears advisable shall adopt the budget and necessary appropriation measures required to put it into effect and at the same time fix the tax rate for the ensuing fiscal year Such action shall be taken at least thirty days before the beginning of the fiscal year

Within fifteen days after the adoption of the budget the council shall file a copy of the same with the Department of Internal Affairs

The council shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last two months of the fiscal year

The council may make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire and other catastrophies the funds therefor to be provided from unappropriated revenues or temporary loans Such temporary loans shall be approved by a two-thirds vote of the council

No work shall be hired to be done on materials purchased no contracts made and no order issued for the payment of any moneys by any agent of the borough which will cause the sum appropriated to specific purposes to be exceeded No contracts hirings or purchases made or orders or warrants issued not provided for by any appropriation or which shall cause any appropriation to be exceeded shall be valid But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contracts so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement Financial Report to be Furnished to Department of Internal Affairs The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof with valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation (which) and shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

The auditors shall also annually make a report of the financial condition of the borough to the Department of Internal Affairs Such report shall be presented on a form prepared and furnished as hereafer provided it shall be signed by all of the auditors and shall be duly verified by the oath of one of the auditors and shall be filed with the department within sixty days after the close of the fiscal year Any auditor refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond April first and costs All fines recovered shall be for the use of the Commonwealth

The uniform form for the annual budget as required in section one thousand and six of this act and the uniform form for the annual report to the Department of Internal Affairs as herein required shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs and the secretary of the Department of Internal Affairs or his agent who shall be a person trained in the field of municipal finance.

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act Such representatives shall be chosen from among finance officers or other officers or boroughs who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent boroughs in the various population groups The president of said organization shall supply to the Department of Internal Affairs the names and dadresses of such representatives immediately upon their appointment

Said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for al necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups producing separate forms if necessary to the end that said forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the proper officers of each borough

Section 1062 Controller's Reports Report of Financial Condition to be made to Department of Internal Affairs The borough controller shall as often as he may deem expedient or the council shall direct suggest plans to the council for the management and improvement of the borough finances and he shall make a report verified by oath or affirmation to the council at the first stated meeting in January in each year of the public accounts of the borough and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made by councils the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation The report shall be published at the expense of the borough once a week for two weeks in a newspaper circulating generally in the borough

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the borough in manner and form required to be made by the auditors of the borough under the provisions of section one thousand and thirty-five of this act and subject to the penalties provided in said section for refusing or neglecting to file said report

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2120, entitled:

An Act to amend sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of and to add section one thousand eight hundred twelve to the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating of cities of the third class and amending revising and consolidating the law relating thereto" further providing for and regulating methods of making ap- the city and its agents and the making of the annual budget on forms prepared by representatives of the League of third class Cities of Pennsylvania and the Department of Internal Affairs requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs imposing duties upon the directors of accounts and finance and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 1804 Regulations Concerning Appropriations No debt shall be created by any department of the city except in pursuance of previous authority of law ordinance or resolution No money shall be paid out of the city treasury except upon appropriation made according to law and on warrant drawn by the proper officer in pursuance thereof No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys in any amount which will cause the sums appropriated to specific purposes to be exceeded No hirings or purchases made or orders or warrants issued not provided for by any appropriation or which shall cause any appropriation to be exceeded shall be valid In every case in which an appropriation shall be exhausted and the object of which is not completed the director of accounts and finance shall immediately report the fact to the city council and accompany such report with a statement of the moneys which have been drawn on such appropriation and the particular purpose for which they were drawn The council shall have the power to authorize the transfer within the same fund of any unexpended balance or any portion thereof from one spending agency to another but such action shall be taken only on the recommendation of a director of one of the Departments approved by the director of accounts and finance and only during the last two months of the fiscal year

Section 1809 Annual Budget The director of accounts and finance shall at [the first] a stated meeting [in December in each] at least sixty days prior to the beginning of the fiscal year present to council a [detailed statement of] proposed budget showing the estimated receipts expenditures and liabilities of every kind for the ensuing year with the balance of unexpended appropriations and all other information of value as a basis for fixing the levy and tax rate for the next fiscal year and the annual tax rate shall be fixed at the same time the budget is adopted as hereinafter provided Such budget shall be prepared on forms furnished as provided in section one thousand eight hundred twelve of this act

The several departments of the city government shall before the [first stated meeting in December present] budget is presented as above provided furnish to the council an estimate of the probable receipts and expenditures and of the amount required by each of said departments for the public service during the ensuing fiscal year as a basis for making the annual appropriations thereto

Final action shall not be taken on the proposed budget until at least one public hearing has been held thereon after public notice by publication not more than two times in at least one newspaper of general circulation and in the legal newspaper of the proper county if any at least ten days prior to the date of the hearing It shall be the duty of the council to arrange for and hold such hearing A sufficient number of copies of the budget when submitted by the director of accounts and finance to the council shall be printed and made available for public inspection at least twenty days prior to the date set for the hearing After such hearing has been had the council shall after making such changes and modifications therein as appear proper adopt the budget and any necessary appropriation measures required to put it into effect Such action shall be taken at least thirty days particular purpose for which they were drawn The council shall have the power to authorize the transfer within the same fund of any unexpended balance or any portion thereof from one spending agency to another but such action shall be taken only on the recommendation of the director of accounts and finance and only during the last two months of the fiscal year

Section 1809 Annual Budget The director of accounts and finance shall at [the first] a stated meeting [in December in each] at least sixty days prior to the beginning of the fiscal years present to council [a detailed statement of] proposed budget showing the estimated receipts expenditures and liabilities of every kind for the ensuing year with the balance of unexpended appropriations and all other information of value as a basis for fixing the levy and tax rate for the next fiscal year and the annual tax rate shall be fixed at the same time the budget is adopted as hereinafter provided Such budget shall be prepared on forms furnished as provided in section one thousand eight hundred twelve of this act

The several departments of the city government shall before the [first stated meeting in December present] budget is presented as above provided furnish to the council an estimate of the probable receipts and expenditures and of the amount required by each of said departments for the public service during the ensuing fiscal vear as a basis for making the annual appropriations thereto

Final action shall not be taken on the proposed budget until at least one public hearing has been held thereon after public notice by publication not more than two times in at least one newspaper of general circulation and in the legal newspaper of the proper county if any at least ten days prior to the date of the hearing It shall be the duty of the council to arrange for and hold such hearing A sufficient number of copies of the budget when submitted by the director of accounts and finance to the council shall be printed and made available for public inspection at least twenty days prior to the date set for the hearing After such hearing has been had the council shall after making such changes and modifications therein as appear proper adopt the budget and any necessary appropriation measures required to put it into effect Such action shall be taken at least thirty days before the beginning of the fiscal year

The council may during any fiscal year make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire or other catastrophies the funds therefor to be provided from unappropriated revenues if any or from temporary loans Such temporary loans when made shall be approved by a two-thirds vote of the council

Within fifteen days after the adoption of the budget the director of accounts and finance shall gle a copy of the same in the office of the Department of Internal Affairs

Section 1811 Annual Reports Publications Filing Report with Department of Internal Affairs Penalty The director of accounts and finance shall make a report verified by oath or affirmation to the council at the stated meeting in March in each year of the public accounts of the city and of the trusts in its care for the preceding fiscal year exhibiting all of the expenditures thereof respectively and the sources from which the revenue and funds are derived and in what measures the same have been disbursed Each account shall be accompanied by a statement in detail of the several appropriations made by council the amount drawn on each appropriation and the balance outstanding to the debit or credit of such appropriation at the close of the fiscal year

Such report accompanied by a statement of the present funded and floating indebtedness of the city and the date and maturity of the funded debt a schedule of its assets and the character and value thereof and the amount of taxable property therein shall be published once in not more than two newspapers printed and circulated in such city as required by section one hundred and nine of this act provided council may cause such statement to be printed in pamphlet form in addition to the publications made as aforesaid

The director of accounts and finance shall also annually make report of the financial condition of the city to the Department of Internal Affairs within sixty days after the close of the fiscal year signed and duly verified by the oath of the director Any director of accounts and finance refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented in the form as provided in section one thousand eight hundred and twelve of this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1057, as follows:

An Act to amend section ten of the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" as amended elminating the provisions requiring county commissioners to prepare street lists

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section ten of the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" as last amended by section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws four hundred seventy-five) is hereby further amended to read as follows

Section 10 At the end of each day's registration the registrars shall compare the two registers so kept and cause any errors in either of them to be corrected by aid of the entries in the other so as to make the same agree where there is any difference between them The registrars shall then sign their initials on the line immediately under the last name registered under each letter in both books together with the date

At the close of both Fall and Spring registrations and to any special registration the registrars shall sign a certificate the form of which shall be printed on the last page of the register setting forth the number of persons registered on each day and the number of names which have bene stricken out if any

[The county commissioners shall after the Fall registration prepare "street lists" of all names registered These lists shall contain the names of the electors and their addresses in the order which their residences appear upon the street of the district as shown by the registration book At least one hundred exact copies of such lists shall be printed in pamphlet form and shall be ready for distribution at least three weeks before election day]

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1357, as follows:

An Act to amend sections one two three four five and seven as amended and sections eleven and fourteen of and to add sections seven and one-tenth seven and two-tenth and seven and three-tenth to the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for the violation of its provisions" providing a system of permanent personal registration for such cities changing the method of appointing registrars and imposing additional duties and restrictions on county commissioners and registrars

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for the violation of its provisions" as last amended by section one of the act approved the seventh day of May one thousand nine hundred and twenty-three (Pamphlet Laws one hundred forty-eight) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the county Commissioners of each county in which is located cities or a city of the third class shall not later than July fifteenth in the year one thousand nine hundred and twenty-three and every year thereafter appoint two registrars for each election precinct or ward to serve for a term of one year and until their successors are duly qualified The said registrars must be duly qualified electors of the city for which they are appointed and must have been residents of the city for a period of two years before their said appointment They must be sober and judicious persons of good moral character able to read intelligently and to write legibly

One of the said registrars shall be a member of the party polling the highest vote in excess of two per centum within the election precinct or ward at the last preceding [presidential] November election [for presidential] [elector] and the other shall be a member of the party polling the next highest number of votes in excess of two per centum cast within the election precinct or ward at the last preceding November election It is the intent of this act that at all times the board of registrars shall be as nearly as may be evenly divided in political faith and therefore if it appears that at any time by reason of a change in political affiliations or because of error in the appointment the board is not so evenly divided any ten electors of the district may file a petition with the county commissioners setting forth the facts and praying that the changed or erroneous appointments may be revoked and another appointment made instead The county commissioners shall grant a public hearing and if they find the facts to be as represented they shall give the relief asked for but no registrar shall be removed merely because his party at an election following his appointment has polled a less number of votes in the district than some other party No person who holds or is a candidate for a public office shall act as registrar

The county commissioners shall also be empowered to remove any of the said registrars for misconduct or malfeasance in office

Section 2 Section two of said act as amended by section one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred ninety-three) is hereby further amended to read as follows

Section 2 The names of two suitable persons to be registrars shall be suggested to the county commissioners by petitions duly filed for each precinct or ward by the [party representatives of the two leading parties of the precinct or ward] county chairman of each party entitled to a registrar in such precinct or ward as hereinbefore provided The petitions shall be signed by [five electors of the district] the said county chairman and shall set forth the names addresses occupations and political affiliations of the persons suggested The signers of the petitions shall swear to the truth of the facts set forth therein The petition shall remain on file open to the public inspection at least ten days before the persons named therein shall be appointed except in cases where a vacancy occurs in the office of registrar within ten days of a registration day when the appointment can be made without such delay If no petitions are filed the county commissioners may appoint without regard to party No appointment shall be made unless the person who desires to be appointed personally appears before the county commissioners and satisfies them of his qualifications In case of reappointment however it shall not be necessary for him to appear before them

At least one week's notice of the time and place of the examination of the suggested registrars shall be given by the county commissioners in the daily press and any elector may appear either in person or by council and object to the qualification of any applicant If the persons nominated are found not to be properly qualified the county commissioners may decline to appoint them and the [party authorities of the precinct or ward] county chairman of the proper party may then suggest another name or other names for the said place or places

The registrars shall receive a compensation of ten dollars a day for the time actually spent in the work of registration

Section 3 Section three of said act as last amended by section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred forty-eight) is hereby further amended to read as follows

Section 3 The registrars of each precinct or ward shall meet at the polling places thereof in even-numbered years on the ninth [Thursday] Tuesday and seventh [Tuesday and fifth] Saturday preceding the November election which shall be known as the Fall registration and on the third Wednesday preceding the Spring primary which shall be known as the Spring registration and in [odd-numbered years] the year one thousand nine hundred and thirty-five on the tenth Thursday ninth Tuesday and eighth Saturday preceding the November election and in all subsequent odd-numbered years on the tenth Tuesday and the eighth Saturday preceding the November election which shall be known as the Fall registration and in any year when any special election for any purpose is held on the third Wednesday preceding such special election which shall be known as a special registration and shall remain in open session from eight o'clock ante meridan to twelve o'clock noon and from one o'clock post meridian to six o'clock post meridian and from seven o'clock post meridian to ten o'clock post meridian of each registration day They shall on said days receive personal applications from persons who are not properly registered in the district but claim that they are entitled to be registered as voters They shall have power to administer oaths shall examine said applicants under oath and shall record on the registers the names of such [persons] new applicants as are qualified to vote as herein provided Two weeks' notice of the registration days shall be given by the registrars posting notices at the polling places [Electors who did not register at Fall registration may register at Spring registration or at any special registration and the list shall become of no validity at the beginning of the period of Fall registration next succeeding that at which the registers were opened The] Every second year when the names of persons who are properly registered have been copied from the old registers into the new registers the old registers shall be preserved by the county commissioners for at least two years [after the year in which they shall have been in use] thereafter

Not later than thirty days before the Fall registration period in each odd-numbered year subsequent to the year of one thousand nine hundred and thirty-five the county commissioners shall cause all the names in the registers of each district and the information relative thereto to be copied by employes of said office into new registers for each such district which will thereafter be the official registers for the district Only the names of persons appearing in such old registers as properly registered electors shall be so copied into the new registers and all names which have been officially stricken out or crossed off such old registers shall not be copied into the new books Both the old and the new registers shall be open to public inspection until the third day preceding the next registration day The old registers shall be delivered to the registrars of the district at the same time as the new registers for the first registration day of the following Fall registration period

On the first registration day after the preparation of the new registers as above provided the registrars of each district shall carefully compare the new registers with the old ones If they find any name or names omitted therefrom which should have been included or other obvious errors they shall add the same or make the necessary correction to the new registers If any errors are found which the registrars can not agree upon the correction thereof they shall report the same in writing to the county commissions

Section 4 The first and second paragraphs of section four of said act as last amended respectively by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred thirty-eight) and section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred seventy-seven) are hereby further amended to read as follows

Section 4 Every person claiming the right to vote must appear in person before the registrars in the precinct or ward in which he lives on one of the days prescribed by [law prior to every November election] this act and if [he has subsequently] subsequent to the said [November election moved] registration he moves into another precinct or ward or if he shall fail to vote at four successive November elections he must appear in person before the registrars in the district to which he has thus removed [in order to enable him to vote at the ensuing Spring primary or any ensuing special election unless in either case he] or in which he lives and be registered in such district If any person is prevented by sickness or necessary absence from the city from appear-

ing before the said registrars to be registered in person [In either of these cases] it shall be his right at any time until noon of the Saturday preceding the day on which [the] any election or primary is to be held to present his petition to the county commissioners and in case they shall refuse to order his name placed [on the registration list] in the proper registers the said petitioner may appeal to the court of common pleas of the district in which he resides if the said court is in session or if not in session to any judge thereof whereupon the said court shall grant a rule upon the said county commissioners to show cause why the name of the said person should not be placed upon the register and the said court or judge thereof shall fix a day certain for the return of the said rule at which time the parties can be heard and upon the return of the said rule upon a hearing had if the said court or judge shall be satisfied that the facts set forth in the petition are true and that the applicant was prevented by sickness or necessary absence from the city from appearing in person before the registrars and being registered and is qualified to vote the rule may be made absolute and the registrars shall be directed to place the name of such person or persons upon the registers

Every person appearing before the registrars after being sworn shall answer the questions put to him by them These answers must be recorded on a single line in two registers which shall have the following form The size and character of the registers shall be determined by the county commissioners [Provided however That the county commissioners shall at each fall registration preceding the November election furnish to the registrars of the several wards and precincts the registers of the proper ward or precinct for the previous year Every person appearing before the registrars who was registered in said district for the previous year and who still resides at the same residence within said district as in the previous year shall after being sworn upon the production of a proper tax receipt and the making of a statement that he was registered in said election district the year immediately preceding that he resides in the same residence as during the year immediately preceding and naming the political] [party if any to which he belongs he again registered by the registrars without answering the additional questions In all such cases the registrars shall complete the registration of such persons from the registers of the preceding year making due allowance for the elapsing of one year]

Section 5 Section five of said act as last amended by section four of the act approved the sixteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fourteen) is hereby further amended to read as follows

Section 5 Every person who shall [have paid his taxes on or before the last day for registration and who shall] possess all the [other] qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing election shall be entitled to be registered [Any qualified elector who has paid his taxes after the last day of the fall registration and on or before the final day for the payment of the same in odd-numbered years may on the twentieth day preceding the election in odd-numbered years present his petition to the county commissioners setting forth the fact as to the payment of his taxes and giving in detail the information required to be recorded in the register and praying that his name may be added to the register in the proper division If the facts are proven to the satisfaction of the commissioners subject to the same conditions as though the applicant for such registration had presented himself for registration] [before the board of registrars of his district they shall order the name of the petitioner to be inserted in the register in the proper place]

Any person properly registered under the provisions of this act in the election district wherein he or she resides shall not be required to again register unless such person shall move out of such election district or shall fail to vote at a November election during four successive calendar years

The names of all persons who shall have moved out of the election district in which he or she shall have last registered and of all persons who shall have failed to vote at any four successive November elections shall be stricken from the registers as hereinafter provided and in order to qualify as a voter such persons must again register in the manner provided by this act

Section 6 Section seven of said act as last amended by section three of the act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws seven hundred thirty-eight) is hereby further amended to read as follows

Section 7 On [the] all registration [day preceding the Spring primary and on the registration day preceding each special election] days except the second day in the period of Fall registration preceding a Fall primary the registrars shall in addition to the registration of electors strike from the list the names of such persons as shall be proven to their satisfaction by the affidavits of at least two qualified electors of the precinct or ward to have died or removed from the district since [the last] their registration The registrars shall record on blank forms provided for that purpose the names and previous places of registration giving wards and precincts of all persons registered by them [on said day] who give as such place of previous registration a place in the same city and the names and addresses of all persons whose names they have stricken from the registeres as having died or removed from the district stating the reason therefor They shall the day following each registration day forward the same to the county commissioners for their information [Thereafter] After each November election and after each registration period upon the return of the registers to the office of the county commissioners [it shall be their duty to] they shall examine the same and wherever any person shall have registered [persons have] and given as [their] his or her last place of registration another election district in the same city [to] or when any person whose name is enrolled in the registers shall have failed to vote at four successive November elections they shall strike said name from the register of said district of prior residence in cases of removal and in cases of failure to vote from the registers in which his name is enrolled and [to] note thereon the reason for so [removing] striking out the name Any registered elector who has removed between the November election and the Spring primary or any special election from one election district to another in the same city two calendar months prior to the Spring primary or special election and who failed to [apply to have his name transferred on the] register on the registration day prior to the Spring primary or special election in the district to which he has removed may apply on the eleventh or tenth day prior to the Spring primary or special election at the office of the county commissioners and have the registry of his name transferred from the district from which he has removed to the one in which he has taken up his new residence It shall be the duty of the county commissioners upon satisfactory proof of the elector's identity to strike his name from the register in the district from which he has removed to examine him in the regular way as to his qualifications and if his answeres are satisfactory to register him in the district [to which he has removed] in which he has taken up his new residence

Section 7 Said act is hereby amended by adding thereto three new sections to read as follows

Section 7.1 The register of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the county commissioners the deaths of residents of the city except residents less than twenty years of age The county commissioners shall forthwith strike off the registration of each registered elector so reported

Any person falsely reported deceased by any registrar of vital statistics may appear in person before the county commissioners and prove his identity and the county commissioners thereupon shall correct the registers accordingly

Section 7.2 All persons whose names are stricken from the registers of any district as provided by this act shall be notified of such action by the county commissioners

in the following manner Such notices shall be mailed to the address entered for such person in the register from which his name is stricken

(a) Within seven days after each registration day such notice shall be mailed to persons whose names are given in writing to the county commissioners by the registrars as having been stricken from the registers by them or as having registered in their district and having given a place of previous registration in another district within the same city and from which registers their names are to be removed

(b) Not before thirty days and not later than fifteen days preceding each registration period such notice shall be mailed to persons whose names have been stricken from the registers because of their failure to vote for four successive November elections or because they have been reported by a registrar of vital statistics as having died

Section 7.3 (a) Any person who is registered may change his party enrollment or if when registered he failed to designate his political party he may be enrolled in the party of his choice by appearing before the registrars of his district on any registration day and making a written affidavit that at the last November election at which he voted he voted for a majority of candidates of the party in which he now wishes to be enrolled The registrars shall make such change of enrollment or enter such new enrollment on the registers

(b) At any time not later than the fifteenth day preceding any primary any qualified elector of the city including any watcher may petition the county commissioners to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be fortwith cancelled

Section 8 Section eleven of said act is hereby amended to read as follows

Section 11 If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration or refusing to strike any name from the registers or to the action of the county commissioners or registrars in striking any name from the registers he may file his petition with the county commissioners setting forth the ground of his complaint within ten days If the complaint is to the acceptance of a claim notice to the claimant shall be given by leaving a written or printed notice at his place of residence as given by him to the registrars and recorded on the registers When such petitions are filed the county commissioners shall fix a time and place for hearing them sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto and to have a review thereof by the courts Such hearing shall be public before the county commissioners and the registers of voters may be amended either by the insertion of a new name or the cancellation of a name already on the registers or otherwise as the county commissioners may order The county commissioners may enforce their orders as herein provided or may make the amendments themselves or by their clerks All such applications for correcting the registers must be made not later than [ten] eight days prior to an election

The applicant or any elector who is not satisfied with the decision of the county commissioners may petition the court of common pleas setting forth the reasons why he feels that injustice has been done and thereupon the said court of common pleas may in its discretion allow an appeal to it from the decision of the county commissioners And the said court after a public hearing may reverse affirm or alter the decision of the county commissioners Said appeals must be made not later than five days preceding an election

Section 9 Section fourteen of said act is hereby amended to read as follows

Section 14 Any wilful false statement made under oath by any reason in relation to any matter or thing concerning which he shall be lawfully interrogated by the registrars shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding two years or both in the discretion of the court

A registrar or any other person who intentionally registers or permits to be registered a person not lawfully entitled to be registered or enters the name of any person in a register which is not entitled to be so entered or who intentionally refuses to register a person or enter a name lawfully entitled to be registered or entered in such register or who intentionally assists in preventing such person from being registered shall be guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years or both in the discretion of the court

A person who applies for registration knowing that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers [or a fraudulent tax receipt] to establish his claim to be registered and any person who aids or abets another in any such application [or] personations or fraud shall be guilty of a misdemeanor and upon conviction shall be sentenced for every such offense to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding three years or both in the discretion of the court

A registrar who except as provided in this act inserts or intentionally permits to be inserted a name on the registry list without a proper application in person during the hours of registration on a registration day on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who wilfully and maliciously alters any registry list after the entry has been duly made except upon an order of the court or of the county commissioners or who makes an entry or alteration therein at any time other than during the hours of registration and in the presence of the other registrar shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years or both in the discretion of the court

Any registrar or other officer upon whom a duty is laid by this act who shall wilfully refuse to perform his said duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding one year or both in the discretion of the court

Section 10 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2116 entitled

An Act to amend the act approved the third day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the

provisions thereof" removing the exemptions set forth in certain cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the third day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That nothing contained in any article or any section of an act entitled the Workmen's Compensation Act of one thousand nine hundred and fifteen shall apply to or in any way affect any person who at the time of injury is engaged in domestic service or agriculture Provided however That in cases where the employer of any such person shall have prior to such injury by application to the Workmen's Compensation Board approved by the Board elected to come within the provisions of the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto the provisions of this supplementary act shall not apply

On the question,

Will the House agree to the section?

Mr. PARKS. Mr. Speaker, I desire to offer the following amendments

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerks as follows:

Amend Sec. 1, page 2, line 6 by inserting after the word "of" the following: "[1915]"

Amend Sec 1, page, line 6 and 7 by underscoring the following "one thousand nine hundred and fifteen"

Amend Sec. 1, page 2, line 11 by underscoring the word "application"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" removing the exemptions set forth in certain cases

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2177, as follows:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Act Number fourteen) entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made" providing that certain mortgages shall have priority over such revived municipal claims

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Act Number fourteen) entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any borough or township of the first class has heretofore filed in the office of the prothonotary of the proper county an amicable writ of scire facias to revive any municipal claim and such writ of scire facias shall not have been filed within the period of five years from the time the original claim was filed or within five years after any prior revival of such claim then in any such case such action in filing such amicable writ of scire facias is hereby ratified confirmed and made valid notwithstanding that the same was not filed within the time required by law and that the lien of such municipal claim was lost and the lien of any such municipal claim shall be deemed revived from the date such amicable writ of scire facias was filed in the office of the prothonotary and such lien may be proceeded upon further revived and collected as provided by law Provided however That the lien of any such municipal claim shall not reattach against any real estate transferred to any purchaser during the time when the lien of the same was lost And provided further That where any mortgage shall have been entered of record against any such real estate during the period when the lien of any such municipal claim was lost such mortgage shall have priority over such revived municipal claim

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1533, as follows:

An Act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city borough incorporated town or township has constructed or shall hereafter construct or complete any sewer or sewage system or sewage treatment works either wholly or partially at public expense or shall have acquired the same either wholly or partially at public expense such city borough incorporated town or township may provide by ordinance or resolution for the collection of an annual rental or charge for the use of such sewer sewage system or sewage treatment works from the owners of the property served by it whether such property is located within or without the corporate limits of such city borough town or township

Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the following classes of expense (a) the amount expended annually by the city borough incorporated town or town-

ship in the operation maintenance repair alteration inspection depreciation or other expenses in relation to such sewer sewage system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred by the city borough incorporated town or township in the construction or acquisition of such sewer sewage system or sewage treatment works and interest thereon in order that said improvements may become self-liquidating and (c) sufficient to establish a margin of safety of ten per centum Any unused surplus from any preceding year shall be paid into the fund accruing from said rentals or charges and whenever the amount in said fund exceeds the said margin of safety of ten per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served by the said sewer sewage system or sewage treatment works

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole Being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2098, as follows:

An Act to suspend the laws of this Commonwealth authorizing the collection of local taxes by distress and sale of goods and chattels

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from the effective date of this act until April thirtieth one thousand nine hundred and thirty-seven no collector or receiver of taxes shall have power to collect taxes imposed by any political subdivision of this Commonwealth by distress and sale of goods and chattels of the taxpayer or any tenant of a taxpayer and during said period any and all laws of this Commonwealth authorizing the collection of such taxes by distress and sale of goods and chattels are hereby suspended

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1656 (Senate Bill No. 68), entitled:

An Act to amend sections five and nine of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended changing the time for filing nomination papers and the time when the official list of candidates so nominated are sent by the Secretary of the Commonwealth to the respective county commissioners and sheriffs

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended by section one of the act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred thirty-two) is hereby further amended to read as follows

Section 5 Nomination papers for candidates for the offices of Presidential electors and Members of the House of Representatives of the United States and for State offices including those of judges Senators and Representatives shall be filed with the Secretary of the Commonwealth [sixty] Nomination papers for candidates for all other offices shall be filed with the county commissioners of the respective counties All such nomination papers shall be filed at least [twenty-eight] fourteen days before the day of the primary election in such year In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the election shall be included in the calculation or reckoning

On the question,

Will the House agree to the section?

BILLS RECOMMITTED

Mr O'KEEFE. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreebaly to order,

The rule requiring bills to be considered in Committee of the While being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2084 (Senate Bill No. 519), entitled

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the While being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1491 (Senate Bill No. 261), entitled

An Act to amend section seven hundred and one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties

upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by providing that repeals of acts therein contained shall not be construed to revive acts theretofore repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1159 (Senate Bill No. 86), entitled

An Act to amend section one as reenacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws one hundred nineteen) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring those receiving bodies to give bond and providing penalties

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the While being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2135 as follows:

An Act to amend section one of an act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended establishing Saturday half holidays as regards the transaction of banking business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section one of an act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as last amended by the act approved the thirteenth day of April one thousand nine hundred thirty-three (Pamphlet Laws forty-five) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following days and half days namely the first day of January commonly called New Year's day the twelfth day of February known as Lincoln's Birthday the twenty-second day of February known as Washington's Birthday Good Friday the thirtieth day of May known as Memorial Day the fourth day of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as Armistice Day the twenty-fifth day of December known as Christmas Day and every Saturday after twelve o'clock noon until twelve o'clock midnight each of which Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fasting and prayer or other religious observance and in the event of a financial crisis in the State or Nation any day or days appointed by the Governor of this State or the President of the United States as a bank holiday shall for all purposes whatever as regards the presenting for payment or acceptance and as regards the protesting and giving of notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act and as regards the transaction of any other banking business whatsoever be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes other wise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And provided further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill or exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory not on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession of judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays [nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons if by a vote of its directors it shall elect to do so unless such Saturday is appointed as a bank holiday under the provisions of this act]

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the While being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1915 (Senate Bill No. 4), as follows:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" is hereby amended to read as follows

An Act relating to dogs and the protection of live stock [and] poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs temporarily imported for trial show and breed Game Commissioners providing for the assessment of damages done to live stock [and] poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury [and making an appropriation thereof] and providing penalties

Section 2 That section two of said act as amended by section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred thirty-three) is hereby further amended to read as follows

Section 2 For the purpose of this act the following terms shall have the following meanings respectively designated for each

The term "live stock" shall include horses stallions colts geldings mares sheep rams lambs bulls bullocks steers heifers cows calves mules jacks jennets burros goats kids swine confined domesticated hares and rabbits

The term "poultry" shall include all domestic fowl

The term "game bird" shall include all game birds as defined by the "Game Law" of the Commonwealth

The word "person" shall include State and local officers or employes individuals corporations copartnerships and associations Singular words shall include the plural Masculine words shall include the feminine and neuter

The word "owner" when applied to the proprietorship of a dog shall include every person having a right of property in such dog and every person who keeps or harbors such dog or has it in his care and every person who permits such dog to remain on or about any premises occupied by him

The term "kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding sale or show purposes and which is so constructed that dogs cannot stray therefrom

The term "police officer" shall mean any person employed or elected by this Commonwealth or by any municipality county or township and whose duty it is to preserve peace or to make arrests or to enforce the law The term includes State constabulary game fish and forest wardens

Section 3 That section nineteen of said act is hereby amended to read as follows

Section 19 It shall be the duty of every police officer to seize and detain any dog or dogs which bear a proper license tag and which are found running at large either upon the public strets or highways of the Commonwealth or upon the property of other than the owner of such dogs and unaccompanied by the owner or keeper Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog or dogs which have been found running at large unaccompanied by the owner or keeper when such police officer is in immediate pursuit of any such dog or dogs

It shall be the duty of every police officer to kill any dog which does not bear a proper license tag which is found running at large The chief of police or his agents of any city borough town and township the high constable of any borough or the constable of any borough not having a high constable and the constable of any incorporated town or township shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed and shall cause immediate notice either personal or by registered mail to be given to the person in whose name the license was procured or his agent to claim such dog within ten days The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention under the provisions of this section before the dog is returned

Section 4 That sections twenty-six twenty-nine and thirty of said act as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand thirty-six) are hereby further amended to read as follows

Section 26 Whenever any person sustains any loss or damage to any livestock or poultry or to game birds raised in captivity and while confined within an inclosure by dogs or sustains loss of live stock from rabies or any live stock or poultry or game bird raised in captivity and while confined within an inclosure of any person is necessarily destroyed because of having been bitten by a dog except when such loss destruction or damage shall have been caused by a dog harbored by the owner of such live stock or poultry or game bird such person or his agent or attorney may immediately after the damage was done complain to a duly authorized agent of the Department of Agriculture Such complaint shall be in writing shall be signed by the person making such complaint and shall state when where and how such damage was done and by whose dog or dogs if known or when the animal died

from rabies or was killed because of rabies Claims covering damage due to rabies shall be made immediately following the death of the animal and shall be supported by a certificate from a licensed and duly qualified veterinarian or a report from the laboratory of the Department of Agriculture to the effect that such animal was affected with rabies It shall not be necessary to prove that an animal dying from or killed because of rabies was actually bitten by a dog The presumption shall exist that such animal was so bitten Upon receipt of such notice the agent of the Department of Agriculture shall at once examine the place where the alleged loss or damage was sustained and the live stock or poultry or game bird injured or killed or in case of rabies where it died or was killed The agent of the Department of Agriculture shall then fix a time for taking testimony relative to such claim and shall give motive of such time to the claimant and to the dog owner if known The agent of the Department of Agriculture shall examine under oath or affirmation any witness called before him After making diligent inquiry in relation to such claim such appraiser shall determine whether any damage has been sustained and the amount thereof and if possible who was the owner of the dog or dogs by which such damage was done If the owner does not agree as to the amount of damage allowed by the appraiser the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained For such service the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled which shall be paid by the owner and considered as part of the costs in such claim

Any owner or keeper of such dog or dogs shall be liable to the owner of such live stock or poultry or game bird in a civil action for all damages and costs or to the Commonwealth to the extent of the amount of damages and costs paid by the Commonwealth as hereinafter provided

When the inhabitants of any city borough or township or of any part thereof have suffered an excessive amount of damage by dogs to live stock or poultry or game birds a petition may be presented to the Secretary of Agriculture signed by twenty or more of such residents who are owners of live stock or poultry or game birds alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city borough or township or such part thereof Upon receipt of such petition the Secretary of Agriculture may through his authorized agents have an investigation made of the facts alleged therein and if convinced that conditions in such city borough or township or such designated area demands such stringent measures he may establish a dog control quarantine therein

When such quarantine is established at least ten notices thereof shall be posted throughout the area affected thereby and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city borough or township

It shall be unlawful for any person residing in the area affected by such quarantine to permit a dog owned or harbored by him to run at large in such quarantined area or to leave the premises where it is kept unless accompanied by and under the control of himself or a handler

Any police officer may kill any dog running at large in a quarantined area in violation of such quarantine without any liability for damages for such killing.

Section 29 Upon the Secretary of Agriculture receiving and approving such report if it appears thereby that a certain amount of damage has been sustained by the claimant he shall immediately draw a requisition in favor of the claimant for the amount of loss or damage such claimant has sustained according to such report together with necessary and proper costs incurred Such amount shall be paid from any appropriation to the Department of Agriculture available for this purpose If such report is not approved and it is deemed advisable a further investigation may be made by the Secretary of Agriculture through his officers or agents to ascertain the amount of damage sustained No person shall receive payment for any claim until the appraiser before whom the claim was made has certified that due diligence was made to ascertain whose dog or dogs did the damage and the claimant has certified that the carcasses of the live stock or poultry killed or dying from or killed because of rabies and for which damages have been assessed were buried within twenty-four hours after the assessment of damages the owners of any live stock or poultry killed by dogs or live stock dying from or killed because of rabies or live stock necessarily destroyed because of having been bitten by a dog other than a dog harbored by such person shall be paid a burial fee as follows For each horse stallion colt gelding mare bull bullock steer heifer cow mule jack jennet or burro one dollar and fifty cents for sheep ram lamb calf goat kid or swine one dollar each for the first three animals and fifty cents for each additional animal for each head of poultry or game bird domestic hare or rabbit ten cents each to be included in said report and paid as other damages under this section Where said carcasses are turned over to a scavenger or reduction plant no burial fee shall be allowed

Upon payment by the State of damages of live stock or poultry or game bird by dogs the rights of the owner of such live stock or poultry or game bird against the owner of a dog to the extent of the amount of damages so paid by the State shall inure to the benefit of the State

Section 30 No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury The fact that no such payment has been made shall be certified by the appraiser

When any payment is made by the State for any live stock including poultry or game birds injured by a dog and live stock dying from or killed because of rabies such payment shall not exceed one hundred dollars for each horse or mule sixty dollars for each head of unregistered cattle one hundred dollars for each head of registered cattle ten dollars for each head of unregistered swine sheep or goats twenty dollars for each head of registered swine sheep or goats three dollars for each full-grown goose three dollars for each full-grown turkey or wild turkey and one dollar for each head of other poultry or domesticated hare or rabbit All appraisals under this act shall be at the actual value of the live stock including poultry or game birds killed or injured

Section 5 That section thirty-six of said act as amended by section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred thirteen) is hereby further amended to read as follows

Section 36 Any person violating or failing or refusing to comply with any of the provisions of this act shall upon conviction in a summary proceeding before a magistrate alderman or justice of the peace be sentenced to pay a fine of not less than five dollars nor more than one hundred dollars and costs of prosecution or to undergo imprisonment not exceeding thirty days or both

All fines collected under the provisions of this act shall be forthwith paid to the county treasurer and by him paid into the State Treasury through the Department of Revenue

In any case brought by an agent of the Department of Agriculture where a conviction results and the costs are not paid but the defendant committed the costs of the justice of the peace magistrate or alderman and of the officer serving the warrant or process shall be paid by the Commonwealth

Section 6 That section thirty-seven of said act as amended by section five of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eleven) is hereby further amended to read as follows

Section 37 [Nothing in this act shall be construed to prevent the owner of a licensed dog from recovering by action at law the value of any dog which dog has been illegally killed by any police officer or any other person within this Commonwealth from said police officer or other person If after suit such police officer or other person fails to pay the value of such dog so killed the same shall be paid by the State] The Commonwealth shall be liable to the owner of any legally licensed dog for the value thereof if illegally killed by any police officer or other person and the Commonwealth may thereupon recover the amount so paid to such owner from the police officer or other person doing the illegal killing by an action at law The value of said dog shall be ascertained

in the same manner as provided in section twenty-six of this act for assessing the damage done to live stock by dogs and shall in no case exceed one hundred dollars for any one dog

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2264, (Senate Bill No. 840), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2265, (Senate Bill No. 841), entitled:

An Act transferring from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2266, (Senate Bill No. 842), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2267, (Senate Bill No. 843), entitled:

An Act transferring from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS MADE SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

Mr. COHEN. Mr. Speaker, I move that House Bill No. 2264 (Senate Bill No. 840), House Bill No. 2265 (Senate Bill No. 841), House Bill No. 2266 (Senate Bill No. 842), and House Bill No. 2267 (Senate Bill No. 843), be made a special order on third reading and final passage on Tuesday, April 23, 1935, at 11:30 a. m.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1023

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1023, Printer's No. 276, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. COLEMAN. Mr. Speaker, I move that the vote by which this bill passed finaly be reconsidered.

The motion was agreed to.

Mr. COLEMAN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr COLEMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 8 by striking out after the word "or" and before the word "through" the word: "[animals]" and inserting in lieu thereof the word: "animal"

Amend section 1, page 2, line 9 by striking out at the end of the line after the word "preparations" the following: "[other than food but]"

Amend section 1, page 2, line 10 by striking out at the beginning of the line before the word "medical" the word: "[including]" and inserting in lieu thereof the following: "that contain"

Amend section 1, page 2, line 13 by striking out at the end of the line after the word "or" the word: "[animals]" and inserting in lieu thereof the word "animal"

Amend page 2 by adding after line 15 the following new section: "Section 3. This act shall become effective immediately upon its final enactment"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time?

Is there objection?

The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RESOLUTION No. 122

Mr. DENT asked and obtained unanimous consent to call up out of order Resolution No. 122, Printer's No. 664.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 10, 1935.

Whereas The painting of white lines on the State highways is a very effective safety measure and is a great aid to motorists in foggy weather and during the night in driving over mountain ranges therefore be it

Resolved (if the Senate concur) That it is the sense of the General Assembly that white lines should be painted on the center of all primary State highways over the mountain ranges and in order to distinguish such lines from those placed on highways as safety measures to warn motorists not to pass vehicles at dangerous spots that such white lines be broken with blank spaces of approximately ten feet each

Resolved That a copy of this resolution be transmitted to the Department of Highways by the Chief Clerk of this House and to take effect at the discretion of the Department of Highways

On the question,

Will the House adopt the resolution?

Mr. DENT. Mr. Speaker, I desire to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Resolution No. 122, Printer's No. 664 by striking out after the word House, line 11, the following: "and to take effect at the discretion of the Department of Highways."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the resolution as amended?

It was agreed to.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1021.

An Act to amend section three of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 801), entitled "An act authorizing the State Highway Department, the Public Service Commission, counties, cities, boroughs, and townships to purchase, or condemn by the right of eminent domain, free and unobstructed view over and across lands at certain highway, railroad, and railway intersections and curves, so as to prevent and permit removal of interference with an obstruction of the vision of users of said highways; and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view," by providing for condemnation proceedings and assessment of damages.

HOUSE BILL No. 1143.

An Act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 89, 1933-1934) entitled "An act appropriating the moneys in The State Stores Fund" making appropriations for the payment of refunds.

HOUSE BILL NO. 1156.

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act

HOUSE BILL NO. 1815.

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

COMMITTEE TO INVESTIGATE BOARD OF CITY TRUSTS

Miss BRANCATO offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was read for the information of the House as follows:

In the House of Representatives, April 22, 1935

Whereas, the Board of City Trusts of the City of Philadelphia controls the management, investment, reinvestment, disposition, and distribution of property of great value and large amounts of money in which the general public of that city has an interest; and

Whereas, the Board of City Trusts is not subject to any adequate legislation controlling its activities or any supervision or audit by any public officer with regard to the keeping of its accounts, books, and records; and

Whereas, it is desirable that legislation be enacted properly to provide for the supervision, auditing, and control of the said board; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House of Representatives whose duty it shall be to make an investigation of the books, records, management, and operation of the Board of City Trusts to the extent that may be necessary to effectuate the purposes of this resolution and for the information of the House of Representatives; and

Resolved, That the committee shall make a report to the House of Representatives of this Session as early as possible; and

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said com-

mittee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution?

Is there objection?

Mr. WITKIN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent if not granted. The resolution will be filed with the Clerk.

RESOLUTION NO. 85

Mr. HIRSCH, asked and obtained unaimous consent to call up Resolution No. 85, Printer's No. 706.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 12, 1935.

Whereas The One Hundred and Fiftieth Anniversary of the signing of the Constitution of the United States occurs September seventeenth one thousand nine hundred thirty-seven and

Whereas The Congress of the United States has adopted a resolution calling for a participation of the Federal Government in a celebration of this historic event therefore be it

Resolved (if the Senate concur) That the Speaker of the House of Representatives shall appoint three members of the House and the President Pro Tempore of the Senate shall appoint two senators who together shall constitute a Joint Legislative Committee whose duty it shall be to develop plans for participation by the Commonwealth of Pennsylvania in the celebration of the One Hundred and fiftieth Anniversary of the signing of the Constitution and to make report to the General Assembly of one thousand nine hundred thirty-seven of the plans proposed and any legislation necessary to carry the same into effect

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair has an announcement to make at this time. The Chair requests that the committee chairmen please send their committee announcements to the desk before the end of the session. Very frequently after we have read the announcements and about half of the members have left the hall, two or three announcements are sent to the desk. Please see that your announcements get to the desk before the end of the session. It will do away with a great deal of confusion.

BILL ON FINAL PASSAGE

Mr. MOOMAW. Mr. Speaker, I desire to call up at this time House Bill No. 1923, (Senate Bill No. 710), Printer's No. 216, on page 32 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MOOMAW.

The House resumed the consideration on final passage of House Bill No. 1923, (Senate Bill No. 710), entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ferko,	McDermott,	Shortz,
Alexander,	Finnerty,	McDevitt,	Shreiner,
Allen,	Fitch,	McElroy,	Shugarts,
Altenburg,	Flanagan,	McHenry,	Siegel,
Andrews,	Flinchbaugh,	McKinney,	Simon,
Arnold,	Flynn,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tahl,
Brownfield,	Hermansen,	Patterson, J. W.,	Terry,
Brumbaugh,	Hetrick,	Pearson,	Tronzo,
Burke,	Hindman,	Perry,	Trout,
Cannon,	Hirsch,	Peters,	Tumelty,
Caputo,	Hoffner,	Pfaff,	Turner,
Carr,	Holland,	Phillips,	Van Allsburg,
Carson,	Holstrom,	Piole,	Van Sickle,
Castor,	Horst,	Powers,	Walker,
Chervenak,	Jackson,	Reising,	Wall,
Coakley,	Jones,	Reynolds,	Wasserman,
Cochran,	Kane,	Rhys,	Weidemann,
Cohen,	Kelder,	Rinn,	Weiss,
Coleman,	Kelso,	Roan,	Welliver,
Condon,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		
Falkenstein,			

NAYS—2

Hoopes,	Wilson,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL ON FINAL PASSAGE

Mr. MOUL. Mr. Speaker, I desire to call up at this time House Bill No. 950 Printer's No. 697 on page 32 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MOUL.

The House resumed the consideration on final passage of House Bill No. 950, entitled

An Act withholding increases in rates by electric light gas telephone and water companies until after thirty days' notice thereof has been given to their customers and the same have been approved by the Public Service Commission

On the question,

Shall the bill pass finally?

YEAS—203

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simon,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Holland,	Peters,	Van Allsburg,
Carson,	Holstrom,	Pfaff,	Van Sickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Rinn,	Welsh,
Coolahan,	Kilroy,	Roan,	Westrick,
Cordier,	Kinney,	Robinson,	White,
Davies,	Klingler,	Rooney,	Wickersham,
Decker,	Kobelak,	Root,	Wilson,
Denning,	LaRue,	Ruffennach,	Winner,
Dent,	Linderman,	Ruth,	Witkin,
Diehl,	Long,	Sarraf,	Wood,
Dilley,	Longaker,	Scanlon,	Woodside,
Downey, G. E.,	Lovett,	Schrock,	Yeakel,
Downey, J. J.,	Lynch,	Schrope,	Yourishin,
Duffort,	Male,	Schwab,	Zappala,
Eberharter,	Mallen,	Schwartz,	Zimmerman,
Eroe,		Shaw,	Sarig,

NAYS—2

Hoffner, Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. SIMON. Mr. Speaker, I desire to call up at this time House Bill No. 153 Printer's No. 597 on page 32 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SIMON.

The House resumed the consideration on final passage of House Bill No. 153, entitled

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simon,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Wilson,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Downey, G. E.,	Lovett,	Schrope,	Yeakel,
Downey, J. J.,	Lynch,	Schwab,	Yourishin,
Duffort,	Male,	Schwartz,	Zappala,
Eberharter,	Mallen,	Shaw,	Zimmerman,
Eroe,	Mason,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. SHEPARD. Mr. Speaker, I desire to call up at this time House Bill No. 1787, Printer's No. 580, on page 31 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SHEPARD.

The House resumed the consideration on final passage of House Bill No. 1787, entitled

An Act to amend section one thousand five hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the col-

lection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and al receipts of appropriations from the Commonwealth and miposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by transferring from the State Treasury to the State Workmen's Insurance Board the power and duty of drawing checks on the State Workmen's Insurance Fund

On the question recurring,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker, may I ask the sponsor of the bill to explain the provisions of the bill and the necessity for the changes?

Mr SHEPARD. Mr. Speaker and members of the House, the purpose of this bill is to change the method of payment of checks for injuries out of the Workmen's Compensation Fund. As it is at present, the checks are paid through the Treasurer's office. This bill provides for a change in that method so that the checks are to be paid directly by the Workmen's Compensation Board. This will prevent the unnecessary delay of several days by the injured person in receiving his check.

Under the present law there is a delay of about ten days or two weeks, and the injured people just have to eat snow balls for ten days while they are waiting for the checks. Under the proposed law it will preclude that difficulty and provide for the more speedy payment of these checks for injured persons by the Workmen's Compensation Bureau.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Philadelphia whether or not this bill would remove the check on the Workmen's Compensation Fund this is now existent by reason of the Treasurer having to check on the various payments?

Mr. SHEPARD. Mr. Speaker, of course it will provide for the simplification of bookkeeping in the Workmen's Compensation Fund, and it will be a matter of sending these figures over to the Treasurer's office for checking.

Mr. WITKIN. Mr. Speaker, does the gentleman not think that it is important that the State Treasurer have the right to check these various disbursements in the interest of the funds of the Commonwealth of Pennsylvania rather than remove that check from the Treasurer's office?

Mr. SHEPARD. Mr. Speaker, that is merely a matter of formality because of the fact that after the claims are filed and have been approved by the board, the machinery of the Workmen's Compensation, is a mere formality, the checking in the Treasurer's office.

Mr. WITKIN. Mr. Speaker, and members of the House, I take it that there is nothing political in this bill, and I say that quite seriously. It seems to me that unless this is a party measure that the Democratic party is particularly interested in, it is a bad bill in principle. No one wants to hold up payment to the person who is entitled to receive a Workmen's compensation check, but we are a government of checks and balances and it seems to me that the removal of a check on this fund by fiscal officers of this Commonwealth is bad legislation. So, if you can vote upon this bill without regard to political parties, I would say that it would merit your negative vote. I think most of you members will agree with the fact that the Treasurer ought to continue to check on these disbursements. I grant you that it may be proper that these payments be expedited to the greatest extent, and I have no doubt that it can be done, but in principle I believe this bill to be bad and I ask you to vote "no".

Mr. SHEPARD. Mr. Speaker and members of this House, this bill has the endorsement of the new Workmen's Compensation Board. The bill was drawn up by the Attorney-General's office and it is in line with the policy of speeding up payments to the injured workers.

I ask the unanimous support of all the members of this House in the interest of the purposes of this bill.

Mr. WITKIN. Mr. Speaker, I not that the gentleman from Philadelphia has referred to the fact that this bill has the endorsement of certain officials I note that he has refrained from saying that it has the endorsement of this administration. I hope that it has not for the reason that there is no safeguard where we set up this special fund. The Treasurer is elected for the disbursement of money. Here the Workmen's Compensation Fund or Department would be appointed for the disbursement of the money. It seems to me that it is a step in the wrong direction and that if we start with legislation of this kind we may very well reach the stage where every department will pay out its own money and there will be no check by the Treasurer.

I want to say to the gentleman from Philadelphia, as I have said before, that if this were a party measure, I know the majority of this House would vote for it, but it is not a party measure and the gentleman has not so stated. I ask the members of this House to vote "no", because there is one thing that we do not want to do, and that is we do not want to open up the way of removing the system of checks and balances so that there cannot be a check upon every disbursement made by the Treasurer of Pennsylvania.

Even if you want to transfer it out of the Treasurer's office, transfer it into the office of some other fiscal officer of the Commonwealth but don't take the position where one certain department can issue a check. It is in the interests of the Commonwealth, let the Secretary of the Commonwealth do it—I don't care who—but let's have some check on the disbursements in this fund, otherwise you are passing bad legislation.

Mr. SHEPARD. Mr. Speaker, this is an Administration measure. It has the approval of the Workmen's Compensation Board; it has the approval of the Insurance Commissioner, Mr. Hunt, and they have all O. K.'d the bill and they want it passed.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—113

Achterman,	Downey, J. J.,	Long,	Ruth,
Alexander,	Eberharter,	Lovett,	Sarraf,
Allen,	Eroe,	Lynch,	Scanlon,
Andrews,	Falkenstein,	McDermott,	Schrope,
Arnold,	Finnerty,	McElroy,	Schwab,
Aukerman,	Fitch,	McHenry,	Shaw,
Baine,	Flanagan,	Melchiorre,	Shepard,
Baker, J J.,	Flinchbaugh,	Moomaw,	Shortz,
Barber,	Furman,	Mooney,	Shugarts,
Bradley,	Gerard,	Moran,	Siegel,
Brancato,	Haberlen,	Moul,	Simon,
Brown, H. S.,	Hagerty,	Munley,	Sinwell,
Brown, J. E.,	Haluska,	Murrin,	Stank,
Brownfield,	Hamilton, F. P.,	Nagel,	Stevens,
Brumbaugh,	Harkins,	O'Keefe,	Stone,
Burke,	Harmuth,	Ominsky,	Sumney,
Carr,	Hartman,	O'Neill,	Tronzo,
Carson,	Hermansen,	Panton,	Tumelty,
Chervenak,	Hetrick,	Patterson, C.,	Van Sickle,
Coakley,	Hindman,	Patterson, J. W.,	Walker,
Cochran,	Hirsch,	Pearson,	Weiss,
Coleman,	Holland,	Pfaff,	Welliver,
Condon,	Holstrum,	Piole,	Welsh,
Coolahan,	Hoopes,	Powers,	Westrick,
Davies,	Kilroy,	Reising,	Wilson,
Decker,	Klingler,	Rinn,	Yourishin,
Diehl,	Kobelak,	Robinson,	Zappala,
Dilley,	LaRue,	Ruffennach,	Sarig,
Downey, G. E.,			

NAYS—78

Altenburg,	Greenstein,	Muir,	Stewart,
Atkins,	Habbyshaw,	Nothnagle,	Stockham,
Baker, F. T.,	Hamilton, R. S.,	Parks,	Stott,
Baldi,	Hart,	Perry,	Surface,
Barnhardt,	Hoffner,	Peters,	Terry,
Bernhard,	Horst,	Reynolds,	Trout,
Blumberg,	Jackson,	Rhys,	Turner,
Boose,	Jones,	Roan,	Van Allsburg,
Boyd, R.,	Kane,	Rooney,	Wall,
Brennan,	Kelder,	Root,	Wasserman,
Castor,	Kinney,	Schrock,	Weidemann,
Cordier,	Linderman,	Schwartz,	White,
Denning,	Longaker,	Shreiner,	Wickersham,
Duffort,	Male,	Simpson,	Winner,
Ferko,	Mason,	Snyder, F. E.,	Witkin,
Flynn,	McCreary,	Snyder, J. L.,	Wood,
Forrest,	McDevitt,	Sowers,	Woodside,
Gates,	McKinney,	Spangler,	Yeakel,
Gillette,	Merrell,	Sproul,	Zimmerman,
Green,	Moore,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 88, as follows:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That within six months after this act becomes effective the Adjutant General of the Commonwealth if authorized and empowered by the proper department or agency of the Federal Government shall organize and equip two colored battalions of infantry in the Commonwealth one of which shall have headquarters in the city of Philadelphia and the other in the city of Pittsburgh Such battalions when organized and equipped shall become a part of the National Guard of the Commonwealth

The officers of such battalions shall be commissioned by the Governor in the same manner as provided by law for the commissioning of officers of other units of the National Guard of the Commonwealth

The Armory Board of the Department of Military Affairs shall provide quarters for such regiment or the different units thereof as may be necessary

Section 2 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs for the organization equipment and uniforming of the officers and enlisted men of such battalions

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	Van Allsburg,
Carson,	Holland,	Phillips,	Van Sickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zappala,
Duffort,	Male,	Schwartz,	Zimmerman,
Eberharter,	Mallen,	Shaw,	Sarig,
Eroe,	Mason,	Shepard,	

NAYS—2

Hoopes,	Wilson,

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 552, as follows:

An Act authorizing the insurance of deposits of funds of this Commonwealth and of the political subdivisions thereof with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all moneys belonging to this Commonwealth and the political subdivisions thereof or held by the Commonwealth and any such political subdivision for any purpose and deposited with any banking institution in this Commonwealth may be insured with the Federal Deposit Insurance Corporation or any other corporation hereafter organized by the United States for the purpose of insuring deposits up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name and when so insured neither the Commonwealth nor any such political subdivision thereof shall require such banking institution to furnish additional bond insurance or security to cover the amount of such deposits so insured

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simon,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Wilson,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Downey, G. E.,	Lovett,	Schrope,	Yeakel,
Downey, J. J.,	Lynch,	Schwab,	Yocuishin,
Duffort,	Male,	Schwartz,	Zappala,
Eberharter,	Mallen,	Shaw,	Zimmerman,
Eroe,	Mason,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1885, as follows:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 226 Unlawful to Fish Without License No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license hereinbefore provided be at such time continually kept about the person of the licensee and exhibited upon the request of any fish warden sheriff constable or other officer of the Commonwealth No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license button be at such time continually displayed on the outer garment in such manner that the license figures are plainly visible

The provisions of this section shall not apply to a person holding a fishing license issued pursuant to the laws of the State of New York when fishing by angling in that portion of the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of this State if the persons holding angling licenses issued pursuant to the provisions of this act when fishing by angling in the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of the State of New York are not required to have New York licenses nor shall the provisions of this section apply to a person holding a fishing license issued pursuant to the laws of the State of Ohio when fishing by angling in the waters of the Pymatuning Lake or reservoir within the jurisdiction of this State if the persons holding licenses issued pursuant to the provisions of this act when fishing by angling in the waters of said lake within the jurisdiction of the State of Ohio are not required to have Ohio licenses

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the years and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simon,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Wilson,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Downey, G. E.,	Lovett,	Schrope,	Yeakel,
Downey, J. J.,	Lynch,	Schwab,	Yourishin,
Duffort,	Male,	Schwartz,	Zappala,
Eberharter,	Mallen,	Shaw,	Zimmerman,
Erne,	Mason,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration of final passage of House Bill No. 1749 as follows

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one as amended of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and twelve of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 812. Election of Councilmen Where Borough Consolidated Whenever two or more boroughs are consolidated the members of the council of [each of such boroughs] the borough having the largest population shall be members of the council of the new borough from the wards in which they respectively reside and shall hold their office until the expiration of their terms The members of the other borough or boroughs shall determine by lot the councilmen of such borough or boroughs who shall become members of the council of the consolidated borough and the number so determined shall be two less than the number of councilmen from the borough having the largest population The councilmen so selected by lot shall become members of the consolidated borough and shall hold their office until the expiration of their respective terms and the terms of the remaining members of the council or councils of such borough or boroughs shall cease and terminate

In consolidated boroughs divided into wards the number of councilmen in each ward shall be three

At the first municipal election next succeeding consolidation the qualified electors of such borough shall select a sufficient number of councilmen to equal one-half of the entire number of which such council is legally composed to serve for a term of four years from the first Monday of January next succeeding their election and where such entire number is seven nine or eleven and where the year in which such officers shall take office is divisible by four then sufficient to constitute three four or five as the case may be and where such year is an even-numbered year not divisible by four then sufficient to constitute four five or six At the second municipal election succeeding such consolidation the remaining number of councilmen to which such consolidated borough is entitled shall be elected to serve for a term of four years from the first Monday of January next succeeding In consolidated boroughs divided into wards the council shall by lot prior to the first municipal election succeeding such consolidation apportion the councilmen to be elected as above provided so that there shall be equal or as nearly equal as possible representation by wards Biennially thereafter at each municipal election a sufficient number of councilmen shall be elected to serve for a term of four years from the first Monday of January next succeeding to fill the places of those whose term shall expire on the first Monday of January next following such election and at the first municipal election after such consolidation also sufficient number for terms of four years each so that each ward will have its full representation of three councilmen unless the number of councilmen in a ward have been reduced as in this act provided

Section two That section eight hundred and twenty-one of the said act as amended by the act approved the eight day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-eight) is hereby amended to read as follows

Section 821. Elections of Burgess When Boroughs Consolidated Whenever two or more boroughs are consolidated the burgess of the borough which shall have the largest population shall be the burgess of the consolidated borough to serve until the expiration of his term [The burgess of the other borough shall become a member of the council of such consolidated borough from the ward in which he resides and shall continue a member thereof until the expiration of his term] The term of the burgess of the other borough shall cease and terminate when the consolidation is effected At the [first] municipal election [for the election of burgess in] preceding the expiration of the term of the burgess of the consolidated borough and quadriennally thereafter a burgess shall be elected in such consolidated borough for a term of four years from the first Monday of January next succeeding such election

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows viz:

YEAS—205

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simon,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Wilson,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Downey, G. E.,	Lovett,	Schrope,	Yeakel,
Downey, J. J.,	Lynch,	Schwab,	Yourishin,
Duffort,	Male,	Schwartz,	Zappala,
Eberharter,	Mallen,	Shaw,	Zimmerman,
Eroe,	Mason,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 306, as follows:

An Act providing for the registration of milk bottles and containers forbidding refilling using selling purchasing giving taking retaining destroying disposing or trafficking in same without the written consent of owners imposing penalties fines and imprisonment providing for issuing process in the nature of a search warrant providing what shall constitute prima facie proof forbidding defacement covering up removing or concealing name mark or device defining procedure providing disposition of fines providing that appeal will not invalidate conviction for second offence but that sentence shall await decisions of appeal providing that the requiring taking or accepting a deposit shall not be deemed a sale providing that registration prior to this act entitles registrants to benefits of act and providing for the transfer of certificates of registration

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person copartnership association or corporation engaged in bottling selling or delivering milk or cream with his her their or its name or names or other mark or marks or device or devices branded stamped engraved blown impressed or otherwise produced on the bottles or containers in which said milk or cream is bottled sold or delivered may file in the office of the Secretary of the Commonwealth a description of the name or names marks or devices so used by him her them or it respectively and cause such description to be printed once a week for two weeks successively in a newspaper published in the county in which the principal office or place of business of the owner shall be located and upon legal proof being furnished the Secretary of the Commonwealth a certificate shall be issued by the Secretary of the Commonwealth upon payment of the sum of one dollar which certificate shall be competent evidence in any court of law of the Commonwealth of Pennsylvania of the right of such person or persons or such corporation or corporations to absolute use of such bottles or containers with such devices marked thereon and of the publication and registration of the same

Section 2 It is hereby declared unlawful for any person corporation partnership or association other than the owner thereof to refill such bottle or bottles or other containers marked in the manner described in section one with milk or cream or to use said bottles or containers for any purpose whatsoever or to deface cover up or otherwise remove or conceal such name mark or device thereon or to sell buy give take retain or destroy or otherwise dispose of or traffic in the same without the written consent of the owner or owners thereof being first obtained

Section 3 If any person shall make oath before any magistrate or justice of the peace of any city borough or township of this Commonwealth that he has reason to believe and does believe that any of the bottles or other containers the property of any person firm or corporation who have complied with the provisions of the first section of this act are being unlawfully used filled or trafficked in retained or destroyed or possessed by any person firm or corporation or that any junk-dealer in secondhand articles or any other person firm or corporation has any such bottles or other containers in his her their or its possession or secreted in any place such magistrate or justice of the peace shall issue a search warrant which may be served at any time during the day or night to discover and obtain the same and to bring before such magistrate or justice of the peace the bottles or other containers so found

Section 4 The use possession control in any manner whatsoever of five or more bottles by any person copartnership association or corporation whose device name or mark shall be or shall have been upon any such marked or distinguished bottle or who shall have the legal right to use and control such bottle or other containers after a description of such name mark or device shall have been filed and published in the manner provided for in the first section of this act and a certificate issued therefor without the written consent as aforesaid or the buying selling disposing of destroying or trafficking in any such bottles or other containers by any person other than the owner or owners thereof without such written consent or having in his her their or its possession by any junk-dealer or other dealers in second-hand articles of any such bottles or other containers a description of the marks names or devices thereon shall have been so filed and published as aforesaid without such written consent is declared to be prima facie evidence of the unlawful use retention purchase of or traffic in such bottles or other containers

Section 5 Any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association or any individual violating any of the provisions of the second section of this act shall for the first offence be subject to a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) together with the costs or prosecution upon summary conviction before any magistrate alderman or justice of the peace or in case of nonpayment of such fine and costs of prosecution to undergo an im-

prisonment in the county jail for a period not exceeding twenty (20) days

Section 6 Any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association or individual violating any of the provisions of the second section of this act shall if charged before a magistrate alderman or justice of the peace in a summary proceeding with a second or any subsequent violation of the provisions of the second section of this act and upon conviction of the offence so charged be sentenced by such magistrate alderman or justice of the peace to pay a fine of not less than twenty-five dollars nor more than one hundred and in default of the payment of such fine and cost to undergo an imprisonment in the county jail for a period of thirty (30) days Proof of a former conviction under this act may be by testimony of any person or persons who were present at the time of the first conviction of plea of guilty and heard the ruling and sentence of the presiding magistrate alderman or justice of the peace

Section 7 A pending appeal from a summary conviction under this act will not invalidate a prosecution and conviction for a subsequent offence In such case the magistrate alderman or justice of the peace before whom such second or subsequent conviction shall be had shall postpone sentence until the appellate court or courts finally reverse or affirm the prior conviction In the event that the prior conviction is reversed and there is no other prior conviction upon which to base a second offence charge the magistrate shall impose the sentence provided by section five of this act In the event the prior conviction is affirmed by the appellate court the magistrate or justice of the peace shall impose the sentence provided by section six of this act Pending a final decision by the appellate court the defendant shall be admitted to reasonable bail

Section 8 Any person convicted and sentenced under the provisions of the fifth sixth or seventh sections of this act shall have the right of appeal with express leave of court upon petition as in other cases of summary conviction

Section 9 Upon the conviction of any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association of violating any of the provisions of this act any bottles or containers marked in accordance with the provisions of section one of this act found in the possession of the corporation partnership or association employing said general manager or superintendent or other person in charge of the work shall be returned to the registered owner of said bottles or other containers and upon the conviction of any other individual in like manner shall the bottles and containers found in his or her possession be returned to the registered owner

Section 10 All fines collected under the provisions of this act shall be paid to the county where said conviction was had

Section 11 The requiring taking or accepting of any deposit upon the delivery of any bottle or other container the name mark or device upon which has been filed and published as provided for in the first section of this act shall not be deemed to constitute a sale thereof either optional or otherwise

Section 12 Any person copartnership association or corporation having heretofore filed in any of the offices mentioned in the first section of this act a description of the name or names marks or devices under his her their or its property herein mentioned and having also caused the same to be published according to the law existing at the time of such filing and publication shall not be required to again file and publish such description in order to be entitled to the benefits of this act Provided however That if such person copartnership association or corporation shall have obtained a certificate from the Secretary of the Commonwealth and thereafter retire from business such person copartnership association or corporation shall have the right to legally transfer such certificate to such person or persons corporation or corporations who shall succeed such persons in the business aforesaid

Section 13 In the event that any one or more of the provisions of this act should be decided to be unconstitutional the court's decision holding the same unconstitutional shall not affect the validity of the remaining provisions of this act it being the intention of the Legislature that the provisions of this act are severable

Section 14 All laws or parts of laws inconsistent herewith be and the same are hereby repealed

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker, and members of the House, this is a bill that was on third reading, passed, then the vote was reconsidered, and then the bill was brought back and is now before you for final passage. The bill has been amended since then as to penalties.

The particular objection that was made to the bill originally was to section three which provided for the issuance of search warrants, not in the words of the Constitution "on reasonable and probable grounds" but simply on the words "do believe" and "does believe that milk bottles are in the possession of somebody, and that search warrants may be issued and may be served at any time during the day or night." The objection that was advanced before still exists. The bill still provides that a search warrant on the mere belief of someone can issue and can be served at anytime during the day or night.

Now, it is not just a milk bottle that is in issue here, but it is the principle of giving someone an opportunity to issue a search warrant and search somebody's house, not for a milk bottle, but for some ulterior purpose, and if anybody wanted to enter your house, all they would have to say is "I believe that you have in your house a milk bottle unlawfully" an then when they search they can find anything that they want to find. The clause in section three of the act I think is too broad and the bill ought to be defeated unless the sponsor is willing to remove section three from the act.

Mr. HINDMAN. Mr. Speaker and members of this House, I am certainly very slow to answer the statement from the legal mind of the gentleman from Philadelphia, but I would just like to say to this House that following an objection which Mr. Sowers made to this bill some three weeks ago I took the matter up with him. I extended the courtesy of taking it up with him and asked him to submit his amendments. I was after him at least three or four times. He told me each time that he would submit these amendments, and finally when I talked to him last, he suggested that I go ahead, and gave me the impression that he would not object to the bill when it was presented on the floor of the House.

Now, far be it from me to undertake to argue legal matters with this man or any other attorney, but I would like to submit a letter which I have from a very high class firm of attorneys regarding this bill. It is from the firm of Burnside, Moninger and Burnside in which they say:

In going over the copy of the above act we find that the title to the act remedies a serious defect contained in the Act of 1911, P. L. 975, as amended by the Act of 1931, 132.

The title to the Acts of 1911 and 1931 has repeatedly been held to be in violation of Art. 3 sec. 3 of the Constitution in that the title of the Acts gives no notice that possession of registered bottles is itself an offense. A few of the decisions in this respect are found in 56 Superior Court Reports in cases listed on pages 637, 643, 644, and 645. If for no other reason than to remedy the defect

in the title, there would be sufficient cause for the passing of the above act in 1935, but,

The above Act of 1911 provided only as a punishment, the imposition of a penalty:—the penalty to be collected as other debts are collected in law. As a practical matter this means that if the defendant takes an appeal from the finding of the magistrate, the case on appeal must be again instituted by the filing of a statement of claim and the case tried before a jury. It might be said that almost every defendant who violates this particular law is execution proof, so that after a verdict is finally obtained through the long and expensive trial before the jury, nothing can be collected and the defendant cannot be punished. This, in effect, really makes a joke out of a law which attempts to do away with a serious mischief.

By the year 1931 our Legislature found that the penalty punishment was not sufficient, so that in the 1931 session a law was passed amending the Act of 1911 by adding that any person who shall violate any of the provisions of the former act of 1911 for a second or subsequent offense, shall be sentenced to pay a fine or to undergo imprisonment. The Legislature, in our opinion, meant all right, but it did not take into consideration that few if any prosecutions would, or as a practical matter, could be brought and prosecuted through to a conviction of the first offense. After a person had been convicted of a first offense the Act of 1931 does really mean something, as then and for the first time, the defendant is subject to a fine or imprisonment should he commit a second or subsequent offense.

The Act now before you, in providing for a fine or imprisonment for the commission of the first offense, not only immediately subjects the defendant to some real punishment for that offense, but as a practical matter, should the defendant take an appeal from the conviction of his first offense, the appeal comes before the Court almost immediately for a hearing without the necessity of the filing of a statement of claim and the trial of the case before a jury. This is exactly the same proceeding that is had in all criminal cases providing for summary convictions. The offenses set forth in the act must certainly be intended to be criminal offenses and there seems to be no reason why they should not be treated, in procedure, the same as all other criminal offenses are treated. The punishment at the present time for the first offense is just ridiculous as it would be if a person, instead of being subject to a fine or imprisonment for reckless driving of an automobile, would only be subject to the payment of a penalty. As a matter of fact it would probably be easier to collect a penalty from a motorist than it would be from a thieving dairyman."

House Bill No. 306 is designed to break up a well organized and widespread illegal traffic in milk bottles, the passage of which is requested by legitimate dealers for their protection against tremendous losses resulting from the stealing of their bottles.

This is not an attempt to put just another law on our statute books, because we already have a law on the subject passed in 1911. It, however, is an attempt to put on the books an enforceable law. The main purpose in reenacting this law is to clarify its provisions and to insert a fine for violation of the law instead of a penalty which must be collected like a civil debt. Failure to pay the fine on conviction under this bill results in a jail sentence. Where, under the present law, in nine cases out of ten the penalty cannot be collected and the prosecution is of no avail.

The main attack on this bill is the provision authorizing the use of a search warrant to discover the evidence needed to effect a conviction. Just why such an attack is made I am unable to comprehend and this lack of comprehension is not the result of a lack of knowledge of the law, usually attributed to a person who is not a member of the bar. The fact is that the search and seizure provisions of this bill which are under attack, are not a departure from the present law. They are found in the present law of 1911 to which I have referred. When these provisions were first questioned, I had the Legislative Reference Bureau look up the present law and that Bureau has furnished to me a copy of that law which contains the same search and siezure as this bill. In fact, one lawyer Member of the House to whom I have shown the provisions of the present law, indicated that he thought it somewhat stronger than the one in my bill. So you see, ladies and gentlemen, that by defeating this bill you do not eliminate the possibility of issuing search warrants in these cases because the law for this is now on our books. No valid objection can exist against this bill for that reason. If the bill is objectionable from other directions, I shall welcome any suggestion for its improvement, but I could not under existing circumstances, eliminate or agree to the elimination of the search and siezure clauses from this bill, which, if passed without them, would probably defeat the one practical method of securing the information necessary to secure a conviction.

I, therefore, ask you to vote for this measure and aid honest milk dealers to protect their investment in milk bottles which has a direct bearing on the price at which milk is sold to the consumer and the price which the farmer receives.

I shall appreciate your very serious consideration of the bill and I do feel that the objections which have been raised are certainly to say the least, untimely.

Mr. ANDREWS. Mr. Speaker, there is one section of this bill that I do not understand, I would like to ask the gentleman from Washington a question. I desire to interrogate the sponsor of the measure.

The SPEAKER. Will the gentleman from Washington, Mr. Hindman, permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, a great many grocery stores in selling milk charge for the bottle; you get the money back when you return the bottle, and it will come about under this arrangement that you may have five or six or a dozen bottles around the house that you have not returned. Under section four and some other sections, is that subject to action under this act?

Mr. HINDMAN. Mr. Speaker, it is not.

Mr. ZAPPALA. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman, the sponsor of this bill.

The SPEAKER. Will the gentleman from Washington, Mr. Hindman, permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. ZAPPALA. Mr. Speaker, I would like to ask the gentleman from Washington, if he did not say to me that he would amend this bill particularly on the search and seizure clause?

Mr. HINDMAN. Mr. Speaker, in answer to the gentle-

man from Allegheny I will say that I took the matter up with him. He objected to the bill on that ground. He promised to submit amendments, and over a period of two weeks I went after him a number of times and he never submitted them. I will also say that when I showed the gentleman the existing law on the matter, notwithstanding the fact he is an attorney, he seemed to be surprised that the matter of search and seizure was covered by the law and that is on the statutes at the present time. He did not seem to know that it was there and I tried to tell him that it did not vitiate this bill at all.

Mr. ZAPPALA. Did I not tell the gentleman that I would be very glad to communicate, if necessary, with Mr. Burnside, a member of the Washington County bar, in order that he might amend the search and seizure provision.

Mr. HINDMAN. Mr. Speaker, in reply to the gentleman I would say that he suggested that he would write to the firm of attorneys, Burnside, Moninger, and Burnside, on my behalf. I took his offer to mean that he would write an apology in the matter. I stated to the gentleman that I did not pretend to have any legal knowledge, but that I did have good, common, ordinary horse sense and that I did not ask him to offer an alibi to me on behalf of any person.

Mr. ZAPPALA. Mr. Speaker, and members of the House, I opposed this bill and took the matter up with the sponsor, calling his attention to the fact that the clause with reference to search and seizure is absolutely wrong in the bill, because if you would permit the bill to be enacted into law it would give some extra authority to the members of the minor judiciary and the ordinary police magistrate to have the right on one pretext or another to enter your home. We had an example of that in Allegheny not so long ago when they stated that a constable or an officer of the law had the right to enter a home in search of wine, and they made a real racket of it. Now, what I tried to do is to see that the home is protected, and if you enact this into law, that will not be the case because under the slightest pretext the officer of the law comes into your house and makes a search, because as the act reads now at any time either day or night they have the right to enter your house.

Mr. REISING. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman.

The SPEAKER. Will the gentleman from Washington, Mr. Hindman, permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. REISING. Mr. Speaker, am I to understand that this bill will prevent a man from obtaining a trial by jury in the event of conviction?

Mr. HINDMAN. Mr. Speaker, as I understand, he can take an appeal, and in that case he can have a trial by jury.

Mr. REISING. Mr. Speaker, may I ask the gentleman how he harmonizes this bill with section eight of the Constitution of Pennsylvania which I will read:

"The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant."

To my mind the cost does not justify such a drastic delay and I ask you members to vote it down.

Mr. WASSERMAN. Mr. Speaker and members of the House, I, too, am opposed to this measure and if you will bear with me for a moment and particularly refer to section four you will observe the words "The use and possession of five or more bottles by any person shall be prima facie evidence of the commission of a crime under this measure." In other words, if you should accidently or negligenty leave several bottles in your house or in your cellar you will have committed a crime under this measure. If you go a step further then that and accidently slip and strike several bottles and then turn over and they break you will have committed a crime. If you go a step further and you happen to leave several bottles in your cellar or someone at your home happens to forget to return several bottles to the dealer who delivers them to your home, you will have committed a crime. I know of no measure that has ever come to the attention of this House which in my opinion is as vicious as this measure. Aside from the serious objection to the search and seizure provision, we have this provision in section four which ought to induce you to vote against this measure. I urge you to do so.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—76

Arnold,	Habbyshaw,	Mentzer,	Siegel,
Blumberg,	Haberlen,	Merrell,	Simon,
Boyer,	Haluska,	Moomaw,	Sinwell,
Brown, H. S.,	Harkins,	Mooney,	Smith, J. A.,
Brown, J. E.,	Harmuth,	Muir,	Smith, W. G.,
Brownfield,	Hartman,	Murrin,	Snyder, F. E.,
Carson,	Hindman,	Panton,	Stevens,
Cohen,	Hirsch,	Patterson, C.,	Stone,
Coleman,	Holland,	Patterson, J. W.,	Stott,
Davies,	Kane,	Pearson,	Sumney,
Decker,	Kelso,	Powers,	Wall,
Dent,	Kilroy,	Rinn,	Weiss,
Eberharter,	Klingler,	Robinson,	Welliver,
Eroe,	Kobelak,	Ruth,	Westrick,
Flanagan,	Lovett,	Sarraf,	White,
Flinchbaugh,	Lynch,	Schwab,	Wood,
Forrest,	Male,	Schwartz,	Woodside,
Gates,	McCreary,	Shaw,	Zimmerman,
Gerard,	McDermott,	Shreiner,	Sarig,

NAYS—91

Achterman,	Duffort,	Longaker,	Shortz,
Alexander,	Falkenstein,	McElroy,	Sowers,
Altenburg,	Ferko,	McKinney,	Spangler,
Andrews,	Finnerty,	Melchiorre,	Sproul,
Aukerman,	Fitch,	Moore,	Stank,
Baine,	Flynn,	Moran,	Stewart,
Baker, F. T.,	Gillette,	Munley,	Stockham,
Baker, J J.,	Green,	Nothnagle,	Surface,
Baldi,	Greenstein,	Ominsky,	Tahl,
Barnhardt,	Hagerty,	Perry,	Terry,
Bernhard,	Hamilton, F. P.,	Peters,	Tronzo,
Boose,	Hamilton, R. S.,	Pfaff,	Trout,
Boyd, R.,	Hart,	Piole,	Turner,
Brennan,	Hermansen,	Reising,	Van Allsburg,
Burke,	Hetrick,	Reynolds,	Van Sickle,
Carr,	Hoffner,	Rhys,	Walker,
Castor,	Holstrom,	Roan,	Wasserman,
Condon,	Hoopes,	Rooney,	Wilson,
Cordier,	Jones,	Root,	Winner,
Denning,	Kelder,	Scanlon,	Witkin,
Diehl,	Kinney,	Schrock,	Yeakel,
Downey, G. E.,	LaRue,	Schrope,	Zappala,
Downey, J. J.,	Long,	Shepard,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced ,presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 169, 441, 442, 462, 720 AND 1061.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 18, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 169, Printer's No. 367, entitled, "An act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefore and the proceedings for the collection of such assessments claims and liens."

House Bill No. 441, Printer's No. 106, entitled, "An Act to amend sections one two three four and five of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled 'An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages' extending the provisions of said act generally to persons associations partnerships and corporations providing for bonds with confessions of judgments changing fees and agencies from whom borrowings may be made regulating the assignment and release of such mortgages and generally revising and supplementing the provisions thereof."

House Bill No. 442, Printer's No. 110, entitled, "An Act to permit certain cooperative associations to give chattel mortgages on rotating stocks of goods or inventories to secure loans from banks for cooperatives organized under the Farm Credit Act of one thousand nine hundred thirty-three or from Federal intermediate credit banks organized under the Agricultural Credits Act of one thousand nine hundred twenty-three."

House Bill No. 462, Printer's No. 143, entitled, "An Act to validate and confirm certain contracts expenditures or payments heretofore made ratified or approved by councils of cities of the third class and to direct payments thereunder by the fiscal officers of such cities in certain cases."

House Bill No. 720, Printer's No. 378, entitled, "An Act to amend sections six hundred and fifty six hundred and fifty-one section six hundred and fifty-two as amended sections six hundred and fifty-four six hundred and fifty-five and six hundred and fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278)) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' empowering counties to acquire lands for recreational purposes and to build parkway bridle paths and foot paths."

House Bill No. 1061, Printer's No. 342, entitled, "An Act Requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 454

April 18, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 454, Printer's No. 205, entitled, "An Act Appropriating certain accumulations in the Fire Insurance Tax Fund to cities townships and boroughs for payment to firemen's relief pension and retirement funds."

GEORGE H. EARLE.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as folows:

In the Senate, April 22, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 29, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, April 29, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION NO. 79.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, March 5, 1935.

Whereas, The present session of the General Assembly is composed of members elected from political parties which have all gone on record as favoring legislation protecting the rights of labor and labor organizations now therefore be it

Resolved (if the Senate concur) That the administrative authorities in charge of the printing for the Commonwealth be urged to have printed all stationery envelopes and other desk materials used by the various branches of the Executive Judicial and Legislative Departments of the State Government in printing shops that can furnish the Allied Printing Trades Council Label or Typographical Union Label and that such labels be displayed thereon

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1789.

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P.L. 988) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 3, line 9, by striking out the light face brackets before the word "connected" and after the word "hospitals"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simon,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Wilson,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Downey, G. E.,	Lovett,	Schrope,	Yeakel,
Downey, J. J.,	Lynch,	Schwab,	Yourishin,
Duffort,	Male,	Schwartz,	Zappala,
Eberharter,	Mallen,	Shaw,	Zimmerman,
Eroe,	Mason,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 678.

An Act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April, one thousand eight hundred and thirty-four (P. L. 509), entitled "An act relating to county rates and levies and township rates and levies," as amended; abolishing imprisonment for failure to pay taxes.

HOUSE BILL No. 1788.

An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by changing the names of the State Association and training schools for nurses

HOUSE BILL No. 1459.

An Act to further amend sections one and two, and to add sections two A, two B, two C and two D, to the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 900), entitled "An act relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs for and as fresh, that are not fresh eggs, or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," providing standards for fresh eggs and prohibiting illegal sales and misbranding.

With the information that the Senate has passed the same without amendment.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

Hon. Wilson G. Sarig, Speaker,
House of Representatives,
Pennsylvania State Legislature,
Harrisburg, Pennsylvania.

My dear Sir:

I am in receipt of the copy of Resolution adopted by the Pennsylvania State Legislature, endorsing the resolution which has been introduced in Congress providing for the President of the United States to proclaim October 11th of each year General Pulaski's Memorial Day.

I shall be glad to make proper reference of your communication and see that it is given consideration.

Very sincerely yours,

(Signed) Joseph N. Byrns

April 19, 1935

BILLS INTRODUCED AND REFERRED

By Mr. PEARSON. HOUSE BILL No. 2582.

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300.) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," enlarging the powers of the Secretary of Banking; authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; requiring licensees to file annual reports; reducing the rate of interest on certain loans; increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act.

Referred to the Committee on Banking.

By Mr. FURMAN. HOUSE BILL No. 2583.

An Act to amend sections 102, 203, as amended; section 209; sections 402, 410, 411, as amended; sections 505, 602; section 716, as amended; section 717; sections 719, 722, 801, 802, as amended; to add sections 802.1, 802.2, 802.3, 802.4; to amend sections 803, 804, 807, 808, 811, 812; sections 813, 823, as amended; section 824; sections 902, 905, as amended; section 906; sections 1002, 1010, as amended; section 1017; section 1020, as amended; section 1023; sections 1026, 1027, 1103, 1105, as amended; section 1108; sections 1110, 1201, 209, 1212, as amended; and section 1218 of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. nine hundred five), entitled, "For the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by further regulating the registration of vehicles, their operation on the highways, and the licensing of operators; changing and imposing certain fees and penalties and the procedure for enforcement; affecting the powers, duties and rights of political subdivisions of the Commonwealth and their officers, including magistrates and peace officers, and the Secretary of Revenue.

Referred to the Committee on Highways.

By Mr. JOHN A. SMITH (By Request). HOUSE BILL No. 2584.

An Act making an appropriation to the Department of Forests and Waters for the payment of certain moral claims of the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. WHEELER. HOUSE BILL No. 2585.

An Act requiring aliens to register with the Department of Labor and Industry; and prescribing penalties for failure to register.

Referred to the Committe on Labor.

By Mr. FURMAN. HOUSE BILL No. 2586.

An Act to amend sections nine, fifteen and sixteen of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by extending the period of redemption to five years.

Referred to the Committee on Counties.

By Mr. RINN. HOUSE BILL No. 2587.

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by adding thereto route 39883 in Catasauqua Borough, Lehigh County.

Referred to the Committee on Highways.

By Mr. RINN. HOUSE BILL No. 2588.

An Act to amend section four hundred and five of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with and transactions in, such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," by requiring all retail licenses to exhibit a copy of the law relating to operating a motor vehicle while under the influence of intoxicating liquor.

Referred to the Committee on Law and Order.

By Mr. BROWNFIELD. HOUSE BILL No. 2589.

An Act providing for the acquisition by the Commonwealth of additional property in Wharton Township, Fayette County, to be used in connection with Fort Necessity Park, and for the management thereof by the Department of Forests and Waters; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. RINN. HOUSE BILL No. 2590.

An Act to establish as a State highway a certain section of public road in the County of Lehigh, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. DENT. HOUSE BILL No. 2591.

An Act requiring water, gas and electric companies with exclusive franchises to serve all persons, copartnerships, associations and corporations within the municipality or township; and providing for enforcement by the Public Service Commission.

Referred to the Committee on Public Utilities.

By Mr. LONG. HOUSE BILL No. 2592.

An Act to amend the third and fourth paragraphs of section one of the act approved the twenty-seventh day of June, one thousand nine hundred thirty-one (P. L. 1416), entitled "An act to apportion the State into Congressional districts," by transferring the thirteenth and fourteenth wards of the city of Philadelphia from the third to the second district.

Referred to the Committee on Congressional Apportionment.

By Mr. HARTMAN. HOUSE BILL No. 2593.

An Act to amend section one thousand five hundred and eleven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," as added, authorizing school districts to provide for the treatment or removal of diseased tonsils and adenoids of pupils and to furnish glasses.

Referred to the Committee on Education

By Mr. DILLEY. HOUSE BILL No. 2594.

An Act requiring certain deeds and instruments conveying title to real property offered for recording to recite certain facts.

Referred to the Committee on Judiciary General.

By. Mr. DILLEY. HOUSE BILL No. 2595.

An Act providing for priority and the attaching of the lien of mortgages, judgments and other liens according to the date and time the same are filed for record.

Referred to the Committee on Judiciary General.

By Mr. TROUT. HOUSE BILL No. 2596.

An Act to amend clause (a) of section six hundred and twenty-nine of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds association, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended, by clarifying and broadening the exceptions from the provisions relating to health and accident insurance.

Referred to the Committee on Insurance.

By Mr. BRUMBAUGH. HOUSE BILL No. 2597.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Jefferson.

Referred to the Committee on Highways.

By Mr. POWERS. HOUSE BILL No. 2598.

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-nine (P L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of the animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," imposing additional restrictions on certain offenders; and imposing additional powers and duties on the Secretary of Revenue.

Referred to the Committee on Highways.

By Mr. POWERS. HOUSE BILL No. 2599.

An Act to amend section two of article fourteen of the act approved the seventh day of March(one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended; providing for the election of councilmen in cities of the second class by districts and at large.

Referred to the Committee on Cities.

By Mr. Van SICKLE. HOUSE BILL No. 2600.

An Act making an appropriation to the Board of Game Commissioners for the purpose of clearing title to certain lands.

Referred to the Committee on Appropriations

By Mr. SCHWAB. HOUSE BILL No. 2601.

An Act to amend sections two and four of the act approved the second day of June, one thousand nine hundred and thirty-three (P L. 1415), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties, as a public park and pleasure-ground, to be known as 'Bucktail State Park'; and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth," further defining the control rights of the Department of Forests and Waters over private lands; and providing for the acquisition thereof.

Referred to the Committee on Forestry.

By Mr. HALUSKA. HOUSE BILL No. 2602.

An Act making an appropriation to the Committee created by a resolution of the House of Representatives to investigate the cost of the transportation of bituminous coal.

Referred to the Committee on Appropriations.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2603.

An Act to amend section twenty-one of the act approved the fifteenth day of April, one thousand eight hundred and thirty-four (P. L. 509), entitled "An act relating to county rates and levies and township rates and levies," as amended; providing who may be confined for nonpayment of taxes in the event that the delinquent is other than an individual; and permitting the parole of a delinquent so confined.

Referred to the Committee on Municipal Corporations

By Mr. FLINCHBAUGH HOUSE BILL No. 2604.

An Act to amend Route 66061 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2605.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. FLINCHBAUGH. HOUSE BILL No. 2606.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of York.

Referred to the Committee on Highways.

By Mr. ACHTERMAN. HOUSE BILL No. 2607.

An Act making the Commonwealth liable for the maintenance of lights on certain bridges in boroughs.

Referred to the Committee on Highways.

By Mr. LOVETT. HOUSE BILL No 2608.

An Act to amend section three of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled "An act imposing a State tax, payable by those herein defined as manufactures and distributors, on certain alcoholic beverages used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, of alcoholic beverages taxable hereunder; and providing penalties," as amended; fixing the price of three-quarters of a pint.

Referred to the Committee on Ways and Means.

By Mr. LOVETT. HOUSE BILL No. 2609.

An Act to amend Route 64209 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establish ing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 2610.

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-one (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth;" by adding thereto route 42032 in Kane Borough, McKean County

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 2611.

An Act to amend section ten of the act approved the twenty-third day of May, one thousand eight hundred and eighty-seven (P. L. 158), entitled "An act relating to the competency of witnesses, and to the rules of evidence in civil and criminal cases, revising, declaring and consolidating some of the existing acts and rules of law upon these subjects, and also extending some of the provisions of the same," by eliminating the provisions of law, prohibiting reference by court or counsel to the neglect or refusal of a defendant to offer himself as a witness; and by providing that such failure to offer himself as a witness shall not affect the presumption of innocence.

Referred to the Committee on Judiciary General.

By Mr. KANE. HOUSE BILL No. 2612.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of McKoan.

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 2613.

An Act to provide for the equipment of filling stations and stores for the sale of gasoline, liquid fuels and lubricating oils with clean and sanitary rest rooms and toilet facilities, and to prevent the erection and operation of unnecessary filling stations and stores for such purposes; providing for inspections by and defining the powers of the Department of Health over such stations; imposing inspection fees; and providing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. KANE. HOUSE BILL No. 2614.

An Act to amend article three of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," as amended; requiring an election to be held on the question of annulment of charter or change of corporate name, and establishing procedure for such elections.

Referred to the Committee on Boroughs and Townships.

By Mr. KANE. HOUSE BILL No. 2615.

An Act requiring the broadcasting of certain programs by colleges and universities receiving grants in aid from the Commonwealth.

Referred to the Committee on Education.

By Mr. KANE. HOUSE BILL No. 2616.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the mainteance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of McKean.

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 2617.

An Act to amend route one hundred and one of section six of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, the Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain in the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended.

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 2618.

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by adding thereto route 42031 in Kane Borough, McKean County.

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 2619.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of McKean.

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 2620.

An Act to amend section two hundred and six of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," regulating the signing of petitions to initiate proceedings to consolidate townships.

Referred to the Committee on Boroughs and Townships.

By Mr. KANE. HOUSE BILL No. 2621.

An Act providing that the Commonwealth through the Department of Property and Supplies shall insure the lives of officers and members of the Pennsylvania State Police, and pay the premiums on such insurance; providing for the beneficiaries under such policies of insurance; and defining the rights of the insured after leaving service.

Referred to the Committee on Appropriations.

By Mr. KOBELAK. HOUSE BILL No. 2622

An Act making an appropriation to the Department of Labor and Industry for a reemployment center in Allegheny County.

Referred to the Committee on Appropriations.

By Mr. PARKS. HOUSE BILL No. 2623.

An Act making an appropriation to the Department of Property and Supplies for the lease or acquisition of lands for an aircraft landing field.

Referred to the Committee on Appropriations.

By Mr. COAKLEY. HOUSE BILL No. 2624.

An Act to prohibit the appointment and licensing of, and the doing of business by, insurance agents and brokers who are not principally engaged in the insurance business or whose principal business is the countersigning of policies for foreign companies, associations and exchanges; and providing penalties.

Referred to the Committee on Insurance.

By Mr. COAKLEY. HOUSE BILL No. 2625.

An Act to amend section one hundred and nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing that no clerk to the county commissioners shall hereafter be elected, and repealing general, local and special inconsistent acts.

Referred to the Committee on Counties.

By Mr. COAKLEY. HOUSE BILL No. 2626.

An Act invoking the police power of this Commonwealth staying all proceedings to sell real property on mortgage foreclosures for the period of five years on certain conditions.

Referred to the Committee on Judiciary General.

By Mr. BARBER. HOUSE BILL No. 2627.

An Act to amend section two of the act, approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans', municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby; providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," providing that retired judges may preside in the trial of cases.

Referred to the Committee on Judiciary General.

By Mr. KILROY. HOUSE BILL No. 2628.

An Act providing that in cities of the first class, all pension funds of police, firemen and municipal employes shall be administered by a board composed of the mayor, city solicitor and treasurer of such cities.

Referred to the Committee on Cities.

By Mr. SCHROPE. HOUSE BILL No. 2629

An Act to amend section one thousand one hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue; the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended empowering the Secretary of Highways to direct the direction in which traffic shall proceed upon highways.

Referred to the Committee on Highways.

By Mr. Van ALLSBURG. HOUSE BILL No. 2630.

An Act to amend Route 25053 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Highways.

By Mr. Van ALLSBURG. HOUSE BILL No. 2631.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Erie.

Referred to the Committee on Highways.

By Messers. McDERMOTT and HOLSTROM.
HOUSE BILL No. 2632.

An Act levying a State license tax on slot machines or vending machines; providing for the collection of said tax by the Department of Revenue; and imposing a penalty.

Referred to the Committee on Ways and Means.

By Messers. McDERMOTT and HOLSTROM.
HOUSE BILL No. 2633.

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," as amended; by further extending the powers of such cities.

Referred to the Committee on Cities.

By Mr. EROE. HOUSE BILL No. 2634.

An Act to amend section one of the act approved the fourth day of May, one thousand nine hundred and thirty-three (P. L. 276), entitled "An act fixing the compensation and mileage of jury commissioners in counties of the sixth class," authorizing a limited number of additional days of service with the permission of the court.

Referred to the Committee on Counties.

By Miss BRANCATO. HOUSE BILL No. 2635.

An Act to further amend section one of the act approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by changing the method of determing the value of the shares of stock of banks and savings institutions.

Referred to the Committee on Ways and Means.

By Miss BRANCATO. HOUSE BILL No. 2636.

An Act to further amend the act approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or person and of officers, directors, trustees, and employes of such corporations and persons.

Referred to the Committee on Banking.

By Mr. SURFACE. HOUSE BILL No. 2637.

An Act imposing duties upon the Department of Health, and providing for the furnishing of anti-rabie serum and treatment without charge in certain circumstances.

Referred to the Committee on Public Health and Sanitation.

By Mr. FINNERTY. HOUSE BILL No. 2638.

An Act relating to tennis on Sunday in cases where an admission is charged; permitting tennis on Sunday for which an admission is charged during certain hours, and providing for the licensing of exhibitions of tennis where an admission charge is made.

Referred to the Committee on Law and Order.

By Mr. FALKENSTEIN. HOUSE BILL No. 2639.

An Act requiring weighers of cargo of ships at ports in cities, and to be licensed, and providing penalties.

Referred to the Committee on Cities.

By Mr. OMINSKY. HOUSE BILL No. 2640.

An Act to amend paragraph (b) of section one of the act approved the twenty-sixth day of April, one thousand nine hundred and twenty-nine (P. L. 834), entitled "An act requiring all title insurance companies to create and maintain a reserve; fixing the amount thereof, and regulating the same;" increasing the reserve for the protection of policy holders and safeguarding such reserve to policy holders.

Referred to the Committee on Insurance.

By Mr. OMINSKY. HOUSE BILL No. 2641.

An Act to provide for and regulate counsel fees to garnishees in attachment proceedings.

Referred to the Committtee on Judiciary General.

By Mr. OMINSKY. HOUSE BILL No. 2642.

An Act limiting the time within which actions of treaspass, replevin and contract may be brought

Referred to the Committee on Judiciary General.

By Mr. FRANK P. HAMILTON. HOUSE BILL No. 2643.

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information, empowering certain persons to administer such oaths; and prescribing penalties.

Referred to the Committe on Judiciary Special.

By Mr. HIRSCH. HOUSE BILL No. 2644.

An Act to amend section three as amended, and part of section seventeen of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules, and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," providing that no person shall be nominated at a primary as a candidate by any party for any office unless such person receives a majority of the votes cast for such office; and providing for a second primary to nominate one of the two having the highest number of votes at the first primary.

Referred to the Committee on Elections.

By Mr. STEVENS. HOUSE BILL No. 2645.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Westmoreland.

Referred to the Committee on Highways.

By Mr. STEVENS. HOUSE BILL No. 2646

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Westmoreland.

Referred to the Committee on Highways.

By Mr. STEVENS. HOUSE BILL No. 2647.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Westmoreland.

Referred to the Committe on Highways.

By Mr. MOOMAW. HOUSE BILL No. 2648.

An Act prohibiting electric light companies from discriminating in minimum charges or base rates between houses, apartments or buildings because of difference in number of rooms served.

Referred to the Committee on Public Utilities.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2649.

An Act requiring the Department of Property and Supplies to furnish to cities, boroughs, towns and townships the names of law bidders and prices for materials and supplies purchased for the Commonwealth; and providing that said Department shall, when apppointed, act as purchasing agent for such political subdivisions under such rules and regulations as it may adopt.

Refereed to the Committee on Municipal Corporations.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2650.

An Act requiring the Department of Public Instruction to compile lists of school text books with prices for the use of school districts.

Referred to the Committee on Education.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2651.

An Act providing for the allocation of certain moneys in the Motor License Fund to counties, and the reallocation thereof to cities, boroughs, towns and townships for road and bridge maintenance and construction; and making an appropriation.

Referred to the Committee on Highways.

By Mr. JOHN A. SMITH. HOUSE BILL No. 2652.

An Act requiring cities, boroughs, towns and townships receiving State-aid for highway purposes to levy taxes for unemployment and poor relief purposes; and providing for the examination of relief distribution systems by such cities, boroughs, towns and townships.

Referred to the Committee on Municipal Coroporations.

By Mr. JOHN A. SMITH. (By Request) HOUSE BILL No. 2653.

An Act granting permission to the Borough of Camp Hill, Pennsylvania, and the Borough of New Cumberland, Pennsylvania, to use, jointly with the Commonwealth of Pennsylvania, the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives, in Lower Allen Township, Cumberland County, Pennsylvania, and authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use.

Referred to the Committee on State Government.

By Mr. BURKE. HOUSE BILL No. 2654.

An Act providing for the creation of public "Authorities" in cities of the first class; authorizing such "Authorities" to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act, and any amendment and supplements thereto, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorities" with the right of eminent domain, and with the power to finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes.

Referred to the Commmittee on Cities

By Mr. CAPUTO. HOUSE BILL No. 2655.

An Act providing for the creation of public "Authorities" in boroughs; authorizing such "Authorities" to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorities" with the right of eminent domain, and with the power to finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes.

Referred to the Committee on Boroughs and Townships.

By Mr. FRANK P. HAMILTON. HOUSE BILL No. 2656.

An Act to regulate the use of the public highways of this Commonwealth by motor vehicle operated thereon for the transportation of property, imposing certain duties and obligations on owners and operators of such vehicles, vesting in the Public Service Commission authority to administer and enforce this act conferring powers upon members of the Pennsylvania State Police the State Highway Patrol, and inspectors of the Public Service Commission, repealing certain provisions of The Public Service Company Law pertaining to common carriers of property by motor vehicles as herein defined, making an appropriation for the administration and enforcement of this act, and prescribing penalties for the violation hereof.

Referred to the Committee on Highways.

By Mr. HIRSCH. HOUSE BILL No. 2657.

An Act to regulate and restrain the traffic in liquors, as herein defined; providing for the licensing of the sale and distribution of such liquors; imposing license fees and providing for collection and distribution of revenues therefrom; and providing penalties.

Referred to the Committee on Law and Order.

By Mr. MURRIN. HOUSE BILL No. 2658.

An Act to provide revenue for State and school purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection and lien of the same and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks and on persons, copartnerships, associations, banks, national banks, trust companies and other corporations receiving deposits of money and on corporations, incorporated associations, and limited partnerships, conferring powers and imposing duties on certain State officers and departments, and on school districts; imposing penalties and making an appropriation.

Referred to the Committee on Ways and Means.

By Mr. HARKINS. HOUSE BILL No. 2659.

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up in dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by modifying and clarifying the provisions of the act relating to the corporate name, the advertisement of certain incorporate procedure, and formal actions by shareholders.

Referred to the Committee on Corporations

By Mr. RUFFENACH. HOUSE BILL No. 2660.

An Act to further amend the titles and subsection (e) and of section one and sections thirteen, fifteen and thirty-nine of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, as amended, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," by including notice in the title that said act defines as transfers and taxes the right of survivorship in property as to which such right exists; further defining the liability of such right of survivorship to taxation; extending the Commonwealth's lien; imposing certain duties upon safe deposit companies, trust companies, banks, persons, or corporations, who or which lease safe deposit boxes; and imposing penalties.

Referred to the Committee on Ways and Means.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 2661.

An Act to amend the act approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," as amended, by imposing the tax upon manufacturers selling goods, wares and merchandise from the place of manufacture and upon certain venders or dealers heretofore exempt; clarifying the provisions relating to appeals; and repealing inconsistent acts.

Referred to the Committee on Ways and Means.

By Mr. ZAPPALA. HOUSE BILL No. 2662.

An act to prevent the lapsing or abatement of certain appropriations and charging the same against the revenues for the 1935-1937 fiscal biennium.

Referred to the Committee on Appropriations.

By Mr. HIRSCH. HOUSE BILL No. 2663.

An act to amend section four hundred and three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by requiring insurance companies of another State or a foreign country to file with the Department of Revenue a list of its policy-holders resident in this Commonwealth.

Referred to the Committee on Ways and Means.

By Mr. HIRSCH. HOUSE BILL No. 2664.

An Act to amend section one of the act approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws seven hundred and twenty-three), entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth; providing the method of collection of such tax, and imposing penalties," by extending the act to include the payment of premiums to foreign insurance companies ceasing to be registered with the Commonwealth.

Referred to the Committee on Ways and Means.

By Mr. McELROY. HOUSE BILL No. 2665.

An Act to repeal the act approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws seven hundred ninety-four), entitled "An act providing that estates in buildings, grounds, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, and, in certain instances, the date when such tax shall become due," as amended.

Referred to the Committee on Ways and Means.

By Mr. HARKINS. HOUSE BILL No. 2666.

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred eighty-nine), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Com-

monwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations,' by modifying and clarifying the provisions of the act relating to the corporate name and the advertisement of certain incorporate procedure.

Referred to the Committee on Corporations.

By Mr. SHEPARD. HOUSE BILL No. 2667.

An Act to regulate the hearings in criminal cases before any magistrate of a city of the first class, providing for notice by the magistrate to the district attorney of such ctiy of the intended discharge of any person or persons charged with the commission of certain felonies and misdemeanors; and providing penalties for violation thereof.

Referred to the Committee on Judiciary General.

By Mr. ROBINSON. HOUSE BILL No. 2668.

An Act to amend section two hundred three of the act approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by making the moneys in the Banking Department Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

Referred to the Committee on Banking.

By Mr. SHEPARD. HOUSE BILL No 2669.

A Supplement to an act approved the ninth day of April, one thousand nine hundred fifteen (Pamphlet Laws seventy-six), entitled "An act to further protect the rights and liberty of the people of this Commonwealth when under arrest upon a bailable criminal charge; making its infraction a misdemeanor and providing punishment therefor"; providing the fixing of bail by a magistrate, where none has been fined and offense is bailable; prohibiting the reduction of the amount of bail where such has already been fixed; requiring magistrates to take bail by a written recognizance of bail with good and sufficient sureties; and forthwith to deliver the same to the magistrate or the person or officer or court before whom the hearing is to be held; requiring the collection, entry and return of costs upon taking such bail; and providing penalties for the violation thereof.

Referred to the Committee on Judiciary General.

By Mr. SHEPARD. HOUSE BILL No. 2670.

An Act to establish uniform procedure and requirements in entering into written recognizances or recognizances of bail in criminal proceedings before any justice of the peace, aldermen or magistrates in the Commonwealth of Pennsylvania; and providing penalties for violation thereof.

Referred to the Committee on Judiciary General.

By Mr. ROBINSON. HOUSE BILL No. 2671.

An Act to further amend section one thousand two hundred and one of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (Pamphlet Laws, three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto" by making the moneys in the Game Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

Referred to the Committee on Game.

By Mr. SHEPARD. HOUSE BILL No 2672.

An Act relative to the powers of magistrates in cities of the first class, permitting them to release on bail any person committed for a hearing by any other magistrate; requiring the taking of written recognizances of bail with good in sufficient sureties; delivering same to magistrate before whom hearing is to be held; requiring the collection, entry and return of costs upon taking such bail; and providing penalties for the violation thereof.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY. HOUSE BILL No. 2673.

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authorizing to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compeling common carriers by railroad to properly man their trains,' by amend-

ing section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," giving to the Public Service Commission the power and authority to vary, reform or revise, on a fair and equitable basis, contracts to which a public service company is a party and the subject-matter whereof concerns or affects a public right, benefit, privilege, duty or franchise; providing for a hearing and determination of the matter of a variance, reformation or revision of such contracts, and providing for the issuance and services of orders by the Public Service Commission varying, reforming or revising such contracts and the effective date of such orders.

Referred to the Committee on Public Utilities.

By Mr. BRUMBAUGH. HOUSE BILL No. 2674.

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients, providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties", by providing for the boarding out of certain patients in State mental hospitals.

Referred to the Committee on Public Health and Sanitation.

By Mr. OMINSKY. HOUSE BILL No. 2675.

An Act to amend article two section one (f) and article five section four of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring the approval of the commission to proposed increases in rates placing the burden of proof in certain cases on the public service company and empowering the Public Service Commission to decree reparations.

Referred to the Committee on Public Utilities.

By Mr. COAKLEY. HOUSE BILL No. 2676.

An Act to further amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws seven hundred eighty-nine), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties; and repealing existing laws," by providing for the suspension, involuntary dissolution, and liquidation of corporations which have the power to insure owners of real property, mortgages, and others interested in real property from loss by reason of defective titles, liens, and encumbrances.

Referred to the Committee on Insurance.

By Mr. TUMELTY. HOUSE BILL No. 2677.

An Act relating to the water of the Delaware River and appropriating water of its tributries wholly within the Commonwealth of Pennsylvania and emptying into the Delaware River between the northern boundary line of the Commonwealth of Pennsylvania and the northern boundary line of the City of Easton, Pennsylvania, for municipal or public water supply purposes, in Pennsylvania, prohibiting interference with such appropriation

and use; and conferring powers and imposing duties on the Department of Health.

Referred to the Committee on Forestry.

By Mr. TUMELTY. HOUSE BILL No. 2678.

An act relating to the bed of the Delaware River lying within the boundaries of the Commonwealth of Pennsylvania; prohibiting the construction of dams thereon or therein; and providing remedies.

Referred to the Committee on Forestry.

By Mr. HOLLAND. HOUSE BILL No. 2679.

An Act to provide for the payment of the expenses of maintenance and instruction of children, committed to Houses of Refuge which are not exclusively under the control of the Commonwealth, jointly by the Commonwealth and by the counties from which they may be sent; and providing a method for determining the amount due and collecting the same from the said counties.

Referred to the Committee on Counties.

By Mr. DENT. HOUSE BILL No. 2680.

A Supplement to the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," providing for the inclusion of occupational diseases within the scope thereof; and providing definitions, provisions and procedure related to such diseases.

Referred to the Committee on Labor.

By Mr. SIMON. HOUSE BILL No. 2681.

An Act making an appropriation out of the General Fund of the State Treasury for the purpose of reimbursing certain special funds of the State Treasury for moneys transferred from such special funds to the General Fund.

Referred to the Committee on Appropriations.

By Mr. STANK. HOUSE BILL No. 2682

An Act providing for the formation of non-profit membership corporations to be known as electric membership corporations for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to the inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management of the business of such corporations; providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of bonds by such corporations; and providing for the payment of such bonds and the rights of the holders thereof.

Referred to the Committee on Public Utilities.

By Mr. COHEN. HOUSE BILL No. 2683.

An Act to amend the act approved the twentieth day of December, 1933-1934 (Pamphlet Laws eighty-nine), entitled "An act appropriating the moneys in the State Stores Fund" by making the moneys in The State Stores Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

Referred to the Committee on Appropriations.

By Mr. KINNEY. HOUSE BILL No. 2684.

An Act providing for the registration, regulation and control of lobbyists and lobbying of, by, or on behalf of any person, partnership, association, or corporation; imposing duties on employers of lobbyists, on the Secretary of the Commonwealth and lobbyists; and providing penalties.

Referred to the Committee on State Government.

By Mr. OMINSKY. HOUSE BILL No. 2685.

An Act providing for the regulation, supervision and control of public service company holding companies and affiliated interests; requiring approval of contracts between such holding companies or affiliated interests and public service companies; subjecting such contracts to continuing supervision and control; providing for the disallowance of compensation paid thereunder by public service companies in certain contingencies; conferring powers and imposing duties on the public service commission; conferring jurisdiction on the courts of common pleas, and concurrent jurisdiction throughout the Commonwealth on the court of common pleas of Dauphin County; imposing penalties; and repealing certain provisions of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred seventy-four) as amended, commonly known as the "Public Service Company Law."

Referred to the Committee on Public Utilities.

By Miss BRANCATO. HOUSE BILL No 2686.

An Act making an appropriation to the Department of Welfare for the prevention of blindness in infants.

Referred to the Committee on Appropriations.

By Mr. VanSICKLE. HOUSE BILL No. 2687.

An Act establishing a uniform procedure for the exercise of the right of eminent domain by the United States of America or any agency or instrumentality thereof, the Commonwealth of Pennsylvania, and any county, city, town, borough, township, school district, poor district, authority or any other agency or instrumentality thereof, and said corporations, for the acquisition of property in connection with public works projects.

Referred to the Committee on Judiciary General.

By Mr. ROBINSON. HOUSE BILL No. 2688.

An Act to further amend section two hundred eighty-five of the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by making the moneys in the Fish Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

Referred to the Committee on Fisheries.

By Mr. JOHN E. BROWN. HOUSE BILL No. 2689.

A Joint Resolution proposing an amendment to article eight, section one, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. OMINSKY. HOUSE BILL No. 2690.

An Act to regulate and control the use of the public highways of this Commonwealth by carriers operating motor vehicles for compensation or hire other than common carriers along and over the public highways of this Commonwealth defining private contract carriers requir-

ing private contract carriers to procure permits empowering the Public Service Commission to grant, revoke and suspend permits empowering The Public Service Commission to fix minimum rates, fares and charges of private contract carriers, prescribe maximum hours of employment for drivers of private contract carriers, trucks requiring identification insignia to be displayed in or on private contract motor trucks, prescribing fees and penalties, increasing the jurisdiction of the Court of Common Pleas of Dauphin County and providing appeals from the orders of the Public Service Commission.

Referred to the Committee on Public Utilities.

By Mr. ACHTERMAN. HOUSE BILL No. 2691.

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointlent of certain administrative officers, and of all deputies, and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind, and extending the powers of the Council with respect to the blind; authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms; modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriations of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of anf minimum wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria; extending the supervision of the Department of Welfare to provide homes for the care of the aged; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

Referred to the Committee on State Government.

By Mr. OMINSKY. HOUSE BILL No. 2692.

An Act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a Board of Magistrates; providing for their qualifications; providing for a chief magistrate; prescribing their powers and duties; providing for supervision of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia; providing for clerks and stenographers; continuing a central administrative office and establishing the office of Bill Commissioner; imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; providing for penalties for violation of this Act; and repealing certain prior acts.

Referred to the Committee on Cities.

By Mr. WOODSIDE. HOUSE BILL No. 2693.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and constructed on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2694.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2695.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2696.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2697.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2698.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2699.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2700.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2701.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and constructed on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2702.

An Act to amend article twelve of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by prohibiting boards of school directors in school districts of the second, third, or fourth class from terminating the contracts of more than a certain percentage of the number of teachers at the end of any one school term.

Referred to the Committee on Education.

By Mr. WOODSIDE. HOUSE BILL No. 2703.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and constructed on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Dauphin.

Referred to the Committee on Highways.

By Mr. WOODSIDE. HOUSE BILL No. 2704.

An Act to amend paragraph (b) of section eight hundred and five of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, twonships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," increasing the discretionary powers of the secretary.

Referred to the Committee on Highways.

By Mr. JAMES W. PATTERSON. HOUSE BILL No. 2705.

An Act making an appropriatoin to the Children's Home Society of Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. WESTRICK. HOUSE BILL No. 2706.

An Act to regulate the vesting of title of vacated highways.

Referred to the Committee on Judiciary General.

By Mr. FRANCIS T. BAKER. HOUSE BILL No. 2707.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act"; establishing an additional route in the County of Union.

Referred to the Committee on Highways.

By Mr. KELDER. HOUSE BILL No. 2708.

An Act making an appropriation to the Auditor General, State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

Referred to the Committee on Appropriations.

By Mr. McDEVITT. HOUSE BILL No. 2709.

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended; by removing limitation on minimum term.

Referred to the Committee on Judiciary Special.

By Mr. HETRICK. HOUSE BILL No. 2710.

An Act to amend sections five hundred one and five hundred two of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended; lengthening the season for wild turkeys, and restricting the kill to gobblers with beards.

Referred to the Committee on Game.

By Mr. CANNON. HOUSE BILL No. 2711.

An Act to amend section one of the act approved the twenty-fourth day of June, one thousand nine hundred and nineteen (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," as amended; increasing the compensation of members of the General Assembly.

Referred to the Committee on Appropriations.

By Mr. CANNON. HOUSE BILL No. 2712.

An Act to provide for and regulate the annual licensing of persons, copartnerships, associations and corporations engaging in the business of outdoor advertising by means of billboards and structures, and the issuing of permits for the erection, use and maintenance thereof, levying an excise tax for the use of the old age assistance fund; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. CANNON. HOUSE BILL No. 2713.

An Act requiring salesmen and saleswomen of nursery stock and nursery stock brokers to be licensed by the Department of Agriculture; and prescribing penalties.

Referred to the Committee on Agriculture.

By Mr. SPANGLER. HOUSE BILL No. 2714.

An Act making an appropriation to the Department of Property and Supplies for the restoration, preservation, development and maintenance of the Ephrata Cloisters Park.

Referred to the Committee on Appropriations.

By Mr. SPANGLER. HOUSE BILL No 2715.

An Act to further amend section one thousand one hundred and twelve of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by extending the provisions relating to the establishment of thru highways and stop intersections to townships of the second class.

Referred to the Committee on Highways.

By Mr. BLUMBERG. HOUSE BILL No. 2716.

An Act to amend clause two of section four hundred and two of the act approved the third day of July, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be

admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by limiting the number of directors who may be officers, clerks, employes or agents of the corporation.

Referred to the Committee on Corporations.

By Mr. BALDI, HOUSE BILL No. 2717.

An Act authorizing and empowering school districts of the first class, for a limited period, to furnish food, including milk, to undernourished and poor school children in their districts.

Referred to the Committee on Education

By Mr. McELROY. HOUSE BILL No. 2718.

An Act to amend subsection (e) of section eight hundred three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of court in vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" by requiring motor vehicles when approaching each other at night to tilt the beams of headlights ownward.

Referred to the Committee on Highways.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 2719.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 2720.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Indiana.

Referred to the Committee on Highways.

By Messrs. STEWART and SLOAN.
HOUSE BILL No. 2721.

An Act to amend section two of the supplement of the act approved the third day of June, one thousand nine hundred and thirty-three (P. L. 1515), entitled "A supplement to the act, approved the third day of June, one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six), entitled 'An act defining the liability of an employer to pay damages for injuries received by one employe in the course of employment; establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder'; defining the liability of public or charitable bodies, corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor, and the rights of persons injured in such employment; establishing the State Work Relief Compensation Fund to provide such compensation in certain cases, and providing for the administration of such fund by the State Workmen's Insurance Fund; and making an appropriation therefor;" by reducing the period of time during which no compensation shal be paid to injured work relief employes.

Referred to the Committee on Labor.

By Mr. ROBERT S. HAMILTON. HOUSE BILL No. 2722.

An Act to amend section two of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," granting licenses by the board without examination to certain persons having had at least ten years' experience as embalmer or undertaker under certain conditions.

Referred to the Committee on Education.

By Mr. ROBERT S. HAMILTON. HOUSE BILL No. 2723.

An Act relating to police officers, patrolmen, firemen and park guards in cities of the first class; fixing their hours and basis of pay; requiring the furnishing of uniforms and equipment by the city; providing for medical attention; establishing a pension system; and providing for its management, contributions thereto by such employes and the city, and for payments therefrom.

Referred to the Committee on Cities.

By Mr. ROBERT S. HAMILTON. HOUSE BILL No. 2724.

An Act to amend section two of the act approved the twenty-third day of May, one thousand eight hundred and seventy-four (P. L. 230), entitled "An act dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same, defining and punishing certain offences in all of said cities, and providing for the incorporation and government of cities of the third class," by authorizing the court of quarter session to consolidate wards.

Referred to the Committee on Cities.

By Messrs. GATES and MOUL. HOUSE BILL No. 2725.

An Act prohibiting the issue of tax free bonds and obligations, or the assumption of liability to pay tax on bonds and obligations by the Commonwealth and political subdivisions thereof.

Referred to the Committee on Municipal Corporations.

By Mr. MORAN. HOUSE BILL No. 2726.

An Act to provide for the establishment and administration of unemployment, old age, and social insurance.

Referred to the Committee on Pensions and Gratuities.

By Mr. HART. HOUSE BILL No. 2727.

An Act providing for the observance of the birthday of Thaddeus Stevens.

Referred to the Committee on Education.

By Mr. LINDERMAN. HOUSE BILL No. 2728.

An Act to amend section seven hundred and three and clause (a) of section nine hundred and three of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended; further regulating the weights and registration fees of commercial vehicles.

Referred to the Committee on Highways.

By Mr. LINDEMAN. HOUSE BILL No. 2729.

An Act to amend sections four and six of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 899), entitled "An act regulating bathing places, swimming pools, public bath houses, public and private natatoriums, turkish bath houses, all places hired for any form of bathing or swimming, and all related appurtenances; fixing license fees; providing, in matters of sanitation, cleanliness and safety for supervision by the Department of Health; and prescribing penalties for violations," requiring certain places to be equipped with pulmotors.

Referred to the Committee on Public Health and Sanitation.

By Mr. SOWERS. HOUSE BILL No. 2730.

An Act imposing a tax on royalty payments for copyrighted music and songs, providing for the collection thereof; and imposing penalties.

Referred to the Committee on Ways and Means.

By Mr. SOWERS. HOUSE BILL No. 2731.

An Act placing certain burden of proof upon the owners of motor vehicles when sued for damages for the death or injury of persons or injury to property caused by the operation of such motor vehicles while being operated by others.

Referred to the Committee on Judiciary General.

By Mr. SOWERS. HOUSE BILL No. 2732.

An Act to repeal the act approved the twenty-second day of December, one thousand nine hundred and thirty-three (P. L. 91, 1933-34), entitled "An act to amend section three, clause (b), and sections nineteen and twenty-three of the act, approved the fifth day of December, one thousand nine hundred thirty-three (Act Number Six) entitled 'An act imposing State taxes, payable by those herein defined as manufacturers and importers, on the privilege of manufacturing, selling, or using in this Commonwealth alcohol usable for beverage purposes and certain spirituous and vinous liquors; providing for the collection of the taxes, and the manner of making payment thereof; conferring powers and imposing duties on certain State officers and departments, and upon manufacturers, importers and upon those using or engaging in the sale of such alcohol and such spirituous and vinous liquors; authorizing refunds or exemptions in certain cases, and making an appropriation therefor; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. SOWERS. HOUSE BILL No. 2733.

An Act to repeal the act approved the fifth day of December, one thousand nine hundred and thirty-three (P. L. 38, 1933-34), entitled "An act imposing State taxes, payable by those herein defined as manufacturers and importers, on the privilege of manufacturing, selling, or using in this Commonwealth alcohol usable for beverage purposes and certain spirituous and vinous liquors; providing for the collection of the taxes, and the manner of making payment thereof; conferring powers and imposing duties on certain State officers and departments, and upon manufacturers, importers and upon those using or engaging in the sale of such alcohol and such spirituous and vinous liquors; authorizing refunds or exemptions in certain cases, and making an appropriation therefor; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. SOWERS. HOUSE BILL No. 2734.

An Act to repeal the act approved the twenty-second day of November, one thousand nine hundred and thirty-three (P. L. 5, 1933-34), entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified; describing the method and manner of collection of such tax; conferring powers and imposing duties on certain State officers and departments, and certain individuals, firms and corporations; and imposing penalties."

Referred to the Committee on Ways and Means.

By Mr. SOWERS. HOUSE BILL No. 2735.

An Act to repeal the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled "An act imposing a State tax, payable by those herein defined as manufacturers and distributors, on certain alcoholic beverages used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, of alcoholic beverages taxable hereunder; and providing penalties."

Referred to the Committee on Law and Order.

By Mr. SOWERS. HOUSE BILL No. 2736.

An Act to repeal the act, approved the fifth day of December, one thousand nine hundred and thirty-three (P. L. 50, 1933-34), entitled "An act to amend certain sections of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Act number one hundred four), entitled 'An act imposing a State tax, payable by those herein defined as manufacturers and distributors, on certain alcoholic beverages used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, of alcoholic beverages taxable hereunder; and providing penalties,' by restricting the provisions of the act to malt liquors, as defined therein, and clarifying certain provisions of the act."

Referred to the Committee on Ways and Means.

By Mr. SOWERS. HOUSE BILL No. 2737.

An Act to repeal the act approved the twenty-second day of December, one thousand nine hundred and thirty-three (P. L. 94, 1933-34), entitled "An act to amend act number one, approved the twenty-second day of November, one thousand nine hundred and thirty-three, entitled 'An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified; describing the method and manner of collection of such tax; conferring powers and imposing duties on certain State officers and departments, and certain individuals, firms and corporations; and imposing penalties,' by providing for an extension of time for payment in certain cases."

Referred to the Committee on Ways and Means.

By Mr. SOWERS. HOUSE BILL No. 2738.

An Act to regulate, control and restrain the sale, importation and use of certain alcoholic beverages as herein defined; creating Zone Liquor Control Commissions; defining their powers and duties; conferring powers and imposing duties upon the officers of the State Government; Courts and District Attorneys; providing for the licensing of the manufacture, possession, sale, transportation and distribution of such beverages, and the granting of licenses subject to local option to sell such beverages; forbidding the importation of such beverages into the State except by licensees; prohibiting certain sales and practices in connection with, and transactions in, such beverages by licensees and others; making disposition of the receipts of the license fees, and imposing penalties for violations; and repealing all inconsistent acts.

Referred to the Committee on Law and Order.

By Mr. McCREARY. HOUSE BILL No. 2739.

An Act to amend section nine of the act approved the sixteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1780), entitled "An act to fix the salaries and compensation of the judges of the Supreme Court, the judges of the Superior Court, the judges of the common pleas, the judges of the orphans' courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County," as amended, eliminating the compensation of judges called into other judicial districts, and providing for the payment of their expenses.

Referred to the Committee on Judiciary General.

By Mr. McCREARY. HOUSE BILL No. 2740.

An Act to amend section one of the act approved the twenty-ninth day of April, one thousand nine hundred and twenty-nine (P. L. 354), entitled "An act authorizing the sentencing of persons convicted for a second or subsequent offense of certain crimes to additional prison terms and to imprisonment for life, by more definitely defining the crimes comprehended under the terms of said act.

Referred to the Committee on Judiciary General.

By Mr. McCREARY. HOUSE BILL No. 2741.

An Act to further amend section one of the act approved the thirteenth day of April, one thousand eight hundred and eighty-seven (P. L. 21), entitled "An act for the establishment of a uniform standard of time throughout the Commonwealth," prohibiting the adoption of other standards of time; making it unlawful in a place of business to employ, display, maintain or use other than standard time; and prescribing penalties.

Referred to the Committee on State Government.

By Messrs. KOBELAK and SARRAF. HOUSE BILL No. 2742.

An Act to regulate the sale of certain hypnetic analgosic and bodyweight reduction drugs in the interest of public health.

Referred to the Committee on Public Health and Sanitation.

By Messrs. HOLSTROM, McDERMOTT and RINN. HOUSE BILL No. 2743.

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and development of the Trexle-Lehigh Game Preserve as a public park.

Referred to the Committee on Appropriations.

By Mr. TRONZO. HOUSE BILL No. 2744.

An Act regulating the attire of male persons engaging in sports and public bathing.

Referred to the Committee on Judiciary Local

By Mr. WICKERSHAM. HOUSE BILL No. 2745.

An Act providing for the setting apart the development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township, Dauphin County, occupied by the Harrisburg State Hospital.

Referred to the Committee on State Government.

By Mr. FURMAN. HOUSE BILL No. 2746.

An Act to amend section four of the act of one thousand seven hundred and five (1 Sm. L. 25), entitled "An act to restrain people from labor on the first day of the week," removing restrictions against the serving of warrants on the first day of the week.

Referred to the Committee on Judiciary General.

By Mr. MASON. HOUSE BILL No. 2747.

An Act to amend paragraph ten of section two thousand four hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending ,revising, and consolidating the law relating thereto," by eliminating the exception as to railroad locomotives.

Referred to the Committee on Cities.

By Mr. MASON. HOUSE BILL No. 2748.

An Act providing for proceedings by petition to the courts of record having jurisdiction in non-support and desertion cases.

Referred to the Committee on Judiciary General.

By Mr. GREENSTEIN. HOUSE BILL No. 2749.

An Act to amend section one of the act approved the fourth day of May, one thousand nine hundred and thirty-three (P. L. 276), entitled "An act exempting the net amount payable under policies of accident and disability insurance from the claims of creditors," by limiting and defining the applicability of the act, and extending the same to annuity and optional contracts.

Referred to the Committee on Insurance.

By Mr. GREENSTEIN. HOUSE BILL No. 2750.

An Act concerning the discharge of obligors bound for the same debt or liability; and to make uniform the law relating thereto.

Referred to the Committee on Judiciary General.

By Mr. GREENSTEIN. HOUSE BILL No. 2751.

An Act to amend section one of the act approved the seventeenth day of May, one thousand nine hundred and nineteen (P. L. 207), entitled "An act relating to policies of life insurance or annuities," by extending the provisions of said act to certain other contracts.

Referred to the Committee on Insurance.

By Mr. GREENSTEIN. HOUSE BILL No. 2752.

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 112), entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month;" extending the provisions of said act to optional annuity contracts heretofore or hereafter issued.

Referred to the Committee on Insurance.

By Mr. GREENSTEIN. HOUSE BILL No. 2753.

An Act to amend section one of the act approved the seventeenth day of May, one thousand nine hundred and nineteen, (P. L. 207), entitled "An act relating to policies of life insurance or annuities," extending the provisions of said act to optional annuity contracts heretofore or hereafter issued; and providing that exemptions shall only apply in the case of obligations hereafter created.

Referred to the Committee on Insurance.

By Mr. GREENSTEIN. HOUSE BILL No. 2754.

An Act providing that there shall be no liability on the owner of real estate to a mortgagee for taxes assessed thereon after such mortgagee takes possession of the rents, issues and profits of such real estate.

Referred to the Committee on Judiciary General.

By Mr. GREENSTEIN. HOUSE BILL No. 2755.

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 112), entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month," extending the provisions of said act to certain other contracts.

Referred to the Committee on Insurance.

By Mr. MASON. HOUSE BILL No. 2756.

An Act exempting dental fixtures and equipment leased, loaned, hired or conditionally sold, from levy or sale on execution or distress for rent.

Referred to the Committee on Judiciary General.

By Mr. ZAPPALA. HOUSE BILL No. 2757.

An Act making an appropriation to the Department of Revenue for repayment of money improperly collected as forfeited bail and paid into the State Treasury.

Referred to the Committee on Appropriations.

By Mr. EBERHARTER. HOUSE BILL No. 2758.

An Act to amend section one of the act approved the twenty-second day of March, one thousand nine hundred and seven (P. L. 31), entitled "An act to provide for the assignment of counsel in murder cases, and for the allowance of expenses and compensation in such cases," by providing for the assignment, expenses and compensation of counsel in other criminal cases.

Referred to the Committee on Judiciary General.

By Mr. LaRUE. HOUSE BILL No. 2759.

An Act to amend the title to chapter thirteen of, and to add section two hundred and sixty-six to the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth;" prohibiting fishing at night during certain hours.

Referred to the Committee on Fisheries.

By Mr. BARNHARDT. HOUSE BILL No. 2760.

An Act making an appropriation to the Trustees of the A. C. Milliken Hospital, Pottsville, Pennsylvania, (Formerly the Anthracite Hospital).

Referred to the Committee on Appropriations.

By Mr. BARNHARDT. HOUSE BILL No. 2761.

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one. (Act No. 203), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction on such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. PETERS. HOUSE BILL No. 2762.

An Act requiring operators of anthracite coal mines to report shipments to the Department of Mines.

Referred to the Committee on Mines and Mining.

By Mr. WEIDEMANN. HOUSE BILL No. 2763.

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Referred to the Committee on Appropriations.

By Mr. STEVENS. HOUSE BILL No. 2764.

An Act providing for the creation and incorporation as municipal corporations, and for the management and operation, of water supply districts to furnish and supply water to the public residing therein and to public and private corporations and the Commonwealth, and its agencies, through the construction of water--works and facilities, and or the acquisition of the property, water-

works, rights, and franchises of public and private corporations, copartnerships, associations, and individuals furnishing and supplying water to the public in said districts; prescribing the powers and duties of such districts, and the officers thereof; conferring jurisdiction on courts of common pleas in connection therewith; and imposing certain costs and charges preliminarily on counties.

Referred to the Committee on Municipal Corporations.

By Mr. PEARSON. HOUSE BILL No. 2765.

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records, providing such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

Referred to teh Committee on Judiciary Geenral.

By Mr. DAVIES. HOUSE BILL No. 2766.

An Act to amend section two of the act approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 163), entitled "An act legalizing, and making it lawful to build, fences constructed in whole or in part of wire along the public highways, and as division fences," making the use of barbed wire fences in certain cases unlawful.

Referred to the Committee on Agriculture.

By Mr. KANE. HOUSE BILL No. 2767.

An Act making an appropriation to the Beacon Light Mission near the City of Bradford, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. TRONZO and HARKINS.
HOUSE BILL No. 2768.

An Act to regulate and improve the civil service of the Commonwealth of Pennsylvania; to make any violation of its provisions a misdemeanor; and to provide penalties for any violation thereof.

Referred to the Committee on State Government.

By Messrs. WESTRICK, ARNOLD, HIRSCH, COAKLEY, VanALLSBURG, JOHN E. BROWN, FLINCHBAUGH, GEORGE E. DOWNEY, MOUL.
HOUSE BILL No. 2776.

An Act fixing the salaries of certain county officers in counties of the fourth class.

Referred to the Committees on Counties.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 608. (HOUSE BILL No. 2769).

An Act to amend article twenty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by prescribing the powers and duties of the boards of trustees of State Teachers Colleges and the Cheyney Training School for Teachers repealing inconsistent legislation.

Referred to the Committee on Education.

SENATE BILL No. 666. (HOUSE BILL No. 2770).

An Act regulating the motor vehicle junk business requiring a certificate of approval from the local authorities and a license from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

Referred to the Committee on Judiciary General.

SENATE BILL No. 704. (HOUSE BILL No. 2771).

An Act making an appropriation to the Louise Tuberculosis Home Mill Creek Township Erie County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 769. (HOUSE BILL No. 2772).

An Act to amend sections four five seven and twelve of the aet approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" as amended changing the requirements of medical educational institutions and applicants for examinations and licensure and defining new ground for the refusal or revocation of licenses.

Referred to the Committee on Education.

SENATE BILL No. 849. (HOUSE BILL No. 2773).

An Act to amend Article XIX of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by adding thereto Section eighteen and one tenth regulating the procedure to be followed when such cities find it necessary to reduce the number of police officers or firemen.

Referred to the Committee on Cities.

SENATE BILL No. 955. (HOUSE BILL No. 2774).

An Act making an appropriation to the Beulah Anchorage of Reading Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 752. (HOUSE BILL No. 2775).

An Act requiring applicants for relief to sign a bond continued on the truthfulness of his statements and the lack of fraud or misrepresentation.

Referred to the Committee on Judiciary Special.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. HALUSKA (Concurrent) RESOLUTION No. 136.

In the House of Representatives, April 18, 1935.

Whereas, It is the opinion of many persons that a great part of the market for Pennsylvania bituminous coal has been lost by reason of high freight rates and the depreciа-

tion of foreign currencies, which make possible low price labor in those countries and lower cost of water transportation; and

Whereas, Railroads and other carriers involved would be largely compensated for any reduction in rates by the increased volume of bituminous coal which would be shipped as a result of restored markets for this commodity; and

Whereas, The House of Representatives has made every endeavor to uphold standards of working conditions and wages of the mining industry of Pennsylvania, which must inevitably suffer if the serious reductions of the bituminous market should continue and increase; therefore be it

Resolved, That the Speaker of the House of Representatives appoint seven members of the House of Representatives to constitute a committee, as non-political as possible, whose duty it shall be to investigate the cost of transportation from the bituminous producing regions of Pennsylvania to consumption points in maritime Canada and New England, and the seaports of New York, New Jersey and Pennsylvania; and that if said committee find that high rates have materially reduced or will materially reduce the market for Pennsylvania bituminous coal in competition with coal produced in Great Britain or other foreign countries or in competition with fuel oil selling at unreasonably low prices due to world wide over-production of cheap grades of crude oil to endeavor to secure lower freight rates to the markets above mentioned by negotiation with carriers involved and if necessary by requesting the Interstate Commerce Commission to revise and reduce such transportation rates as are within their jurisdiction; and be it further

Resolved, That said committee make its report to the House of Representatives at the present session of the Legislature; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Mines and Mining.

By Miss BRANCATO. RESOLUTION No. 137.

In the House of Representatives, April 18, 1935.

Whereas, the Board of City Trusts of the City of Philadelphia controls the management, investment, reinvestment, disposition, and distribution of property of great value and large amounts of money in which the general public of that city has an interest; and

Whereas, the Board of City Trusts is not subject to any adequate legislation controlling its activities or any supervision or audit by any public officer with regard to the keeping of its accounts, books, and records; and

Whereas, it is desirable that legislation be enacted properly to provide for the supervision, auditing, and control of the said board; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House of Representatives whose duty it shall be to make an investigation of the books, records, management, and operation of the Board of City Trusts to the extent that may be necessary to effectuate the purposes of this resolution and for the information of the House of Representatives; and

Resolved, That the committee shall make a report to the House of Representatives of this Session as early as possible; and

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Cities.

HON. EDWARD J. SCHLEITER INTRODUCED TO HOUSE

The SPEAKER. The Chair notices in the House a former member of this body, the Honorable Edward J. Schleiter of Freedom, Pennsylvania, who represented the first legislative district of Beaver County in 1923 and 1924. Mr. Schleiter is now one of the county commissioners of Beaver county. As the hour is late, the Chair will merely present the gentleman to the members of this body. The Chair now presents to the House the gentleman from Beaver, Mr. Schleiter, a former member of this body.

Mr. SCHLEITER. Mr. Speaker and members of the House, this seems like olden times, except in one respect: the complexion has completely changed. When I was a member here, I think there were but twenty-five or thirty of the "unterrified," while today there are quite a few more. I hoped that more would return the next time, I hoped to make it possible that we would not require a microphone, and I introduced a bill reducing the then number from two hundred and eight to one hundred, and of course the bill was very enthusiastically (?) received.

I recognize among the members here several of the old war horses from Philadelphia: my good friend Sowers and I might say, as well, my opponent; Mr. Baldi, the Speaker here and a few others. The rest have all gone —either to their fathers or have grown old in the service and been relegated to the rear.

I might say that my people at home did not approve of my course here and all of the county of fifty-five thousand but five thousand decided to let me stay at home, and I didn't have any idea that I would have an opportunity to get back here again and tell the members here at one term at that time for a Democrat was all they could stand.

The SPEAKER. On behalf of the members of the House, the Chair thanks the gentleman from Beaver, Mr. Schleiter, for his kind remarks.

ANNOUNCEMENTS

COMMITTEE MEETINGS

There will be a public hearing before the Committee on Municipal Corporations on Wednesday, April 24, 1935, after the final adjournment on the following House Bills: No. 2104, 2105, 2106, 2107, 2108, 2109, 2110 and 2120 in Room 324.

The Committee on Agriculture will meet in Room 324 tomorrow morning at 9:00 o'clock.

There will be no meeting of the Committee on Elections tomorrow.

The Committee on Judiciary General will meet tomorrow morning in Room 325 at 10:00 o'clock.

The Committee on Highways will meet in Room 324 tomorrow morning at 10:00 o'clock.

There will be no meeting of the Committee on Cities tomorrow.

There will be no meeting of the Committee on Judiciary Special tomorrow.

The Committee on Banking will meet in Room 323 tomorrow after the morning session.

The Committee on Labor will meet in Room 325 after the final session.

ADJOURNMENT

Mr. MUNLEY. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11:00 o'clock.

The motion was agreed to, and (at 11:55 p. m.) the House adjourned until Tuesday, April 23, 1935 at 11:00 o'clock, A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, APRIL 23, 1935 No. 50

SENATE

TUESDAY, April 23, 1935.

The Senate met at 11 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Our Heavenly Father, during these legislative days much time is being devoted to the consideration and discussion of the problem of taxation. This problem seems to be a perplexing one. What do the people owe the State? What portion of the fruits of their labor and their investment should be paid to the State and the nation?

The protecting arms of the government are thrown around us. But their power to shield and preserve us comes through us, for ours is a government of the people, by the people and for the people.

Lead us, O God, to consider the problem of taxation as it concerns our responsibility to Thee. May we ask ourselves the question which a sage of long ago propounded to himself: "What shall I render unto the Lord for all His benefits toward me?" Then may his answer be ours: "I will take the cup of salvation and call upon the name of the Lord."

The tax Thou dost levy upon each of us is, "My son, give me thy heart." When we honestly pay this tax, the problem of taxation will be solved.

Lead us thus to do for Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

PETITIONS

OPPOSING ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions signed by members of various churches throughout the State protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

FAVORING THE ADMINISTRATION'S TAX PROGRAMME

The Chair also laid before the Senate petitions from numerous lodges and unions throughout the State favoring the Administrations tax programme.

Which were referred to the Committee on Finance.

FAVORING THE PENDING CHAIN STORE TAX

The Chair also laid before the Senate petitions signed by hundreds of residents throughout the State favoring the pending chain store tax.

Which were referred to the Committee on Finance.

PROTESTING AGAINST SENATE BILL NO. 662.

Mr. McCLURE presented petitions signed by numerous residents of Delaware and Montgomery Counties opposing Senate Bill No. 662.

Which was referred to the Committee on Finance.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 22, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, April 29, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, April 29, at nine o'clock.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1789, entitled:

An Act to amend sections one, three, four, five, seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 938) entitled "Nurses Registration Law," by changing qualifications for registration, the publishing of a list or registrants, and fixing penalties.

HOUSE CONCURS IN SENATE BILL NO. 710

He also returned to the Senate, Senate Bill No. 710, entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg; and making an appropriation.

with the information that the House has passed the same without amendment.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 153 (Senate Bill No. 1042), entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional changes.

House Bill No. 950 (Senate Bill No. 1043), entitled:

An Act withholding increases in rates by electric light, gas, telephone and water companies until after thirty days' notice thereof has been given to their customers and the same have been approved by the Public Service Commission.

Which was committed to the Committee on Public Utilities.

House Bill No. 1749 (Senate Bill No. 1044), entitled:

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers.

Which was committed to the Committee on Municipal Government.

House Bill No. 1787 (Senate Bill No. 1045), entitled:

An Act to amend section one thousand five hundred three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," by transferring from the State Treasurer to the State Workmen's Insurance Board the power and duty of drawing checks on the State Workmen's Insurance Fund.

Which was committed to the Committee on State Government.

House Bill No. 1885 (Senate Bill No. 1046), entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925," by exempting from the provisions thereof persons fishing in the waters of the Delaware River, lying between New York and Pennsylvania; holding a fishing license issued by the State of New York.

Which was committed to the Committee on Game and Fisheries.

AMENDMENT TO HOUSE BILL NO. 88 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 88, entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were considered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, were twice read as follows: Amend page 1 section 1 line 5 by inserting after the word "Commonwealth" the following: "if authorized and empowered by the proper department or agency of the Federal Government"; also section 2 page 2 line 4 by striking out the word "fifty" and inserting in lieu thereof "one hundred;" also line 4 by striking out the figures "($50,000)" and inserting in lieu thereof the figures ("$100,000")

On the question.

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Laufus,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Daly,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

AMENDMENTS TO HOUSE BILL NO 552 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 552, entitled:

An Act authorizing the insurance of deposits of funds of political subdivisions of this Commonwealth with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 1 by inserting after the word "of" and before the word "political" the following: "this Commonwealth and of the;" also line 2 of the title by striking out after the word "subdivisions" the following: "of the Commonwealth" and inserting in lieu thereof the word "thereof;" also section 1 page 1 line 4 by striking out after the word "belonging" the words "any of" and inserting in lieu thereof the folowing "this Commonwealth and;" also line 5 by striking out at the beginning of the line the words "of the Commonwealth" and inserting in lieu thereof the word "thereof;" also line 5 by inserting after the word "by" the folowing: "the Commonwealth and;" also line 12 by striking out the word "no" at the end of the line and inserting in lieu thereof the follow-

ing: "neither the Commonwealth nor any;" also line 13 by inserting after the word "subdivision" the word "thereof."

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of al the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. REED (Dauphin) read in his place and presented to the Chair, Senate Bill No. 1047, entitled:

An Act relating to all employes in cities, whose position lies within the scope of any of the civil service laws of this Commonwealth, now in force or to be hereafter enacted, governing the transfer of such employes.

Which was committed to the Committee on Municipal Government.

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 1048, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Mr. ZIESENHEIM read in his place and presented to the Chair, Senate Bill No. 1049, entitled:

An Act to amend clauses (i) and (l) of section two, and section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," as amended; further defining distilleries and wineries; and providing for the licensure and rights of manufacturers of unfortified wine.

Which was committed to the Committee on State Government.

Mr. LANIUS read in his place and presented to the Chair, Senate Bill No. 1050, entitled:

A supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled, "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," by establishing an additional route in the County of York.

Which was committed to the Committee on Highways.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 149, as follows:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors who die become ill or are discharged for legal cause.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if in any trial civil or criminal in any of the courts of common pleas municipal courts and county courts quarter sessions of the peace or oyer and terminer and general jail delivery of any county it is the opinion of the trial judge that the trial is likely to be a protracted one and the district attorney or counsel for the plaintiff or for the defendant or both shall request the selection of two additional jurors as alternates the court shall have power to allow the drawing of two additional jurors such alternate jurors shall be seated near the jury with equal power and facilities for seeing and hearing the proceedings in the case and shall take the same oath as the other jurors selected and must attend at all times upon the trial of the case in company with the other jurors They shall obey the orders of and be bound by the admonitions of the courts upon each adjournment of the courts but if the regular jurors are ordered to be kept in custody during the trial of the case such alternate jurors shall also be kept in confinement with the other jurors and except as hereinafter provided shall be discharged upon the final submission of the case to the jury Such alternate jurors shall be drawn from the same source in the same manner and have the same qualifications as the other jurors drawn and be subject to the same examinations but shall not retire with the jury of twelve after the case is submitted to it unless one or two of the jurors shall have died or in the opinion of the trial judge shall have become ill so as to be unable to perform their duty or discharged for other legal cause in which case the thirteenth juror shall take the place of the first juror becoming incapacitated and the fourteenth juror shall take the place of the second juror becoming incapacitated Such juror or jurors so taking the place of any incapacitated juror or jurors shall thereafter be deemed to be members of the jury of twelve and shall have full power to take

part in the deliberations of the jury and the finding of the verdict Any verdict found by any such jury having thereon alternates shall have the same force effect and validity as if found by the original jury of twelve

Where the court allows two alternate jurors in accordance with this act each side shall have one additional preemptory challenge in the selection of said two alternate jurors

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenhelm,
Graff,			

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 22, as follows:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 Definitions (a) The word "commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commissioner

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(m) "City" shall mean only a city of the third class

(n) All references to mayors, police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district within such city

(o) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 Registration Commissions Membership Actions by Vote of Majority of Members Record of Proceedings (a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of the commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

Section 4 Powers of Commissions Regulations Enforcement Correction of errors or Irregularities Cancellation of Registration Powers of Commissioners (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) To govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses on a matter pending before the commission (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Appointment of Clerks or Secretaries as Registrars Incompatible Offices (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county to act as such for the commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any inn lodging house or hotel within such city and to interrogate any lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration

Section 6 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration counsel and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its dutes

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the passage of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 7 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 8 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 9 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists lists of voters voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 10 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 11 Watchers or Attorneys at Sessions of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party

or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or body of electors

Section 12 Candidates may be Present at Proceedings Every candidate for nominate or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 13 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice (a) From and after the first day of July one thousand nine hundred and thirty-five each commission or any commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the sixty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the third day of September anything in this section to the contrary notwithstanding And providing further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have a registrar present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to September fourth

(b) The county commissioners shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of public education or school directors of each city or school district thereof shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration Provided That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 14 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexng the registration cards

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 15 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his resident (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) the designation of the political party of the elector for the purpose of voting at primaries (14) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (15) his height in feet and inches (16) the color of his hair (17) the color of his eyes and (18) the date of his birth Each registration card shall also have a sufficient number

of spaces thereon for the insertion of (19) the ward and election district in which the elector resides (20) the date of each election and primary at which the elector votes and (21) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

Section 16 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided From and after the first day of August one thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 17 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Commission and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 18 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which naturalization was affected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and times when his father was naturalized and that at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-one may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court where such naturalization took place or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 20 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 21 General Register—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 22 District Registers—The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to the public inspection at all times subject to reasonable safeguards rules and regulations

Section 23 Removal Notices—The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to

the election district in which he resides effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 24 Transfer of Registration—(a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration or again register by personal application as provided by this act

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 25 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) At any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signatures of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 26 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Notice (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commissioner in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 27 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each four years the commission shall send such notices by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section twenty-eight of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 28 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of the city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in

election districts or to their political affiliation or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 29 Corrected Street Lists Not later than the fifteenth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 30 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission may forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 31 Delivery of District Registers to Election officers (a) Not later than noon of the second day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed that the name address voting record and other data on each card may easily be made visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 32 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered Are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates List of Voters Elections and Primaries Counting Et Cetera of Names Checked as having Voted Sealing of Registers and Lists of Voters Return of Lists of Voters and Registers (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have last his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity by affidavit and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall make affidavit of his identity or continued residence in the election district or that he has not violated any such election laws

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....
Address .....
.....Pennsylvania
Approved .....

Number of stub of ballot issued (or number of admission to voting machines)
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voters certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the electors signature

is not readily legible shall print such electors name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voters certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election The voters certificates so bound shall constitute the ballot check list required by law to be kept by the clerks of election All voters certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters

(g) As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the list of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The list of voters and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 33 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(b) The commission shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voters certificates and registers hereby prescribed

Section 34 Cancellation of Registration Upon Failure to Vote Within Two Years Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days after publication of the information contained in the notice mailed as aforesaid at least one time in at least one newspaper of general circulation published in the city where such elector resides The commission shall cancel the registration of such elector unless within ten days after the publication of the information contained in the notice as aforesaid he appears in person before the commission and offers satisfactory proof that he has actually voted at a primary or general election within two years The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 35 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 36 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 37 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 38 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's

witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 39 Crimes and Penalties (a) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(b) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(c) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than three (3) years

(d) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(f) Any commissioner registrar inspector or registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to under an imprisonment of not more than one year

(g) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially atlers or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(h) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(i) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 40 Partial Invalidity Legislative Intent It is the intention of the General Assembly that if this act cannot take effect in its entidety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 41 Repeals The act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violations of its provisions" and the various supplements and amendments thereto are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class

Section 42 Effective Date This act shall become effective July first one thousand nine hundred and thirty-five

And the amendment made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. REED (Dauphin). Mr. President, and members of the Senate, I want to say just a word with respect to Senate Bill No. 22, which is now to be voted on. It provides for permanent registration for all third-class cities of the Commonwealth. In drawing this bill I wish to say that we followed almost entirely the provisions of the laws which was recently enacted for Scranton and also for Pittsburgh, and which laws, I have been informed, have worked very satisfactorily in those municipalities. It is a bill which is in the interest of economy and in the interest of convenience to voters, and, I believe, thoroughly safeguards elections and primaries in this Commonwealth, and I hope the Senate will vote its approval of this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenhelm,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 154, as follows:

An Act providing that State and Federal moneys appropriated and available for unemployment relief and work relief shall be allocated by the Department of Welfare for expenditure either by political subdivisions charged by law with the care of the poor or by county unemployment relief boards appointed by the court of common pleas defining the powers of such political subdivisions and boards providing for the audit of accounts prescribing penalties and repealing existing laws relating to the administration of unemployment relief

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all moneys hereafter appropriated by the Commonwealth of Pennsylvania for unemployment relief shall be appropriated to the Department of Welfare and all moneys received from the Federal Government or any agency of the Federal Government for relief and work relief is hereby added to any appropriations made by the Commonwealth for such purposes and part or all of said moneys shall be allocated monthly for expenditure in the several counties of this Commonwealth on a ratio that the estimated number of unemployed persons in a county bears to the estimated total number of enemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry The moneys so allocated monthly to the several counties shall be expended either by political subdivisions charged by law with the care of the poor or by county unemployment relief boards as the case may be as hereinafter provided

Section 2 Where a political subdivision charged with the care of the poor is coextensive with a county the amount allocated to the county from time to time shall be forthwith paid by the State Treasurer on requisition of the Department of Welfare to the treasurer of such political subdivision

In any county where there is more than one political subdivision charged with the care of the poor the amount allocated to the county shall be paid to the county treasurer and shall be expended by and under the supervision of a county unemployment relief board to be created as follows

The court of common pleas of each county where more than one political subdivision is charged with the care of the poor shall as soon as may be after the effective date of this act appoint a county unemployment relief board for the county which board shall be composed of not less than five nor more than seven citizens at the discretion of the court The court shall designate one of the members as chairman and such board shall elect a secretary who need not be a member of the board. The members of each county unemployment relief board shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the performance of their duties Each county unemployment relief board shall be furnished with an office or offices by the county commissioners at the expense of the county All moneys received by any county treasurer for expenditure by the county unemployment relief board shall be paid out of the county treasury on order of the board under such system of accounting and requisition as the county unemployment relief board may establish County unemployment relief boards shal employ a uniform system of accounting which shall be established in accordance with plans rules and regulations prescribed by the Auditor General

Section 3 Each county unemployment relief board and every political subdivision charged with the care of the poor shall have power to employ a director and such clerks investigators and assistants as may be deemed necessary to carry into effect the provisions of this act in an economical manner and to fix their compensation Such compensation and the other expenses of the board or the political subdivision shall be paid from funds allocated to the county for unemployment relief but not more than five per centum of the amount so allocated for any month shall be expended for salaries wages and other administration purposes After the first day of January one thousand nine hundred and thirty-six one-third of the cost of administration of such relief shall be paid by the several counties respectively and after the first day of September one thousand nine hundred and thirty-six one half of such administration costs shall be paid by the county

Section 4 Each political subdivision charged by law with the care of the poor and each such county unemployment relief board shall have authority under the provisions of this act any law to the contrary notwithstanding to expend the moneys received under the provisions of this act for the purpose of providing food clothing fuel shelter or other necessities and work or any of them for residents within their districts who are without means of support and for administration purposes subject however to the limitations hereinbefore provided

Section 5 The amounts allocated to political subdivisions and to county unemployment relief boards under the provisions of this act and by the mexpended shall be audited by the Auditor General in the same manner as other expenditures of Commonwealth moneys Reports shall be submitted by each such board to the Department of Welfare as often as it may require

Section 6 Any officer member or employe of any political subdivision or any county unemployment relief board who shall expend or authorize the expenditure of any moneys allocated under the provisions of this act for any purpose other than one authorized by this act or who shall knowingly give or authorize the giving of aid under the provisions of this act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this act who is not legally entitled thereto because he or she has means of support shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars or to imprisonment for a term of not more than six months or both at the discretion of the court

Section 7 The act approved the nineteenth day of August one thousand nine hundred and thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" together with the amendments thereto are hereby repealed

Section 8 Except as herein otherwise provided this

act shall become effective immediately upon final enactment

Section six of this act shall become effective upon the first day of June one thousand nine hundred and thirty-five and no moneys allocated to political subdivisions and county unemployment relief boards shall be expended by such political subdivisions and boards prior to June first one thousand nine hundred and thirty-five

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. RODGERS. Mr. President, I just want to explain why I am voting "no" on the Batchelor bill, for the simple reason that I do not believe it will adequately meet the needs. I was responsible, I believe in a measure, for having it held over in its order, and I cannot see my way clear at all to vote for the bill.

Mr. THOMPSON (Centre). Mr. President, in connection with this Batchelor bill, I think there is one thing that we have overlooked. I believe that everybody in this Chamber is desirous of decentralizing our relief administration. We want to make something out of the relief administration that is more than a mere bureauracy, not responsible to any of the other branches of our State government; but if we would all stop to think, the passage of this Batchelor bill would immediately throw the whole relief administration into the arena of our county elections this Fall. I believe every county in the State this year elects county commissioners, and probably most, if not all, of the counties which have elective poor directors, elect these directors this year.

Now, by passing a bill such as this one, we dump the whole relief administration right into the arena of county elections this year, and on that account, I, for one, must vote against this bill.

Mr. McGINNIS. Mr. President, It is admitted that practically all of the Poor Boards of Pennsylvania are Republican Boards. Now, I feel that if they were Democratic boards who had been in power and a number of years, and there had been a Republican administration in Washington pouring money into Pennsylvania, that the Democratic Poor Boards would do just the same as the Republican Poor Boards in the counties if they got this money.

Before this depression, the Poor Boards, I think, of the different counties worked satisfactorily. The people they dealt with were poor people, not influential people, but today the Poor Boards are dealing with some of the best citizens of the community, and there is a very great temptation on the part of the Poor Boards to play politics; and I say, very frankly, that the Democratic Boards would do just exactly the same as the Republicans would do in this situation, where that money comes from the Federal Government, a Democratic administration, and that money is poured into Pennsylvania and into the Republican Poor Boards, it is just perfectly natural and human that those Poor Boards would play politics with this money. Now, that is something we must avoid in this crisis.

I believe the Woodward bill is a much better bill than the Batchelor bill and it would work out more satisfactorily, therefore, I think this bill should be defeated.

Mr. REED (Dauphin). Mr. President, I intend to vote for the Batchelor bill, and I want to take just a moment of the time of the Senate to explain my reasons why I support this bill. I think that we have during this Session rather lost sight of the very difficult problem which confronted this Legislature in the Special Session of 1931, as to a method of finding unemployment relief within the provisions of the Constitution of Pennsylvania, and it was under the first Talbot law which appropriated money directly to the Poor Districts of Pennsylvania that the method was secured, and it was a method which was sustained by the Supreme Court of Pennsylvania in the case of the Commonwealth vs. Liveright.

Personally, I would prefer the Batchelor bill as it was originally introduced, where all the money went to the Poor Districts of this Commonwealth, because under that bill as originally introduced we could be assured that we were meeting the requirements of the Constitution. However, this bill has been amended so that in districts or in counties where there are Poor Boards not co-extensive with the county limits, there is a special commission created. To my mind that very fact in itself raises the question as to whether this bill as amended is Constitutional, but certainly there can be no reason to believe that any other method than to appropriate this money to the Poor Districts of Pennsylvania meets the requirements of the Constitution. For one, I believe that after the experience which we have had of the waste and extravagance which has existed under the present law, that it is well to put the money back again into the poor districts, because I cannot conceive of any administration which would not be preferable to the existing law, and holding this belief that this bill better than any meets the requirements of the Constitution, and puts the money back for relief purposes into the constituted authorities, I intend to vote for this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Aron,	Coyne,	Hunsicker,	Reed, (Dauphin)
Batchelor,	Ealy,	Mallery,	Salus,
Bean,	Gelder,	McClure,	Shapiro,
Bennett,	Graff,	Norton,	Staudenmeier,
Buckman,	Harvey,	Owlett,	Woodward,
Cavalcante,	Homsher,	Pierson,	Ziesenheim,
Chapman,	Howell,	Prince,	
Clark,			

NAYS—19

Baumer,	Law,	Reed, (Washington)	Rupp,
Frey,	McCreesh,	Rice,	Sones,
Harris,	McGinnis,	Roberts,	Thompson, (Centre)
Huffman,	Pytko,	Rodgers,	Thompson, (Westmoreland)
Kahle,	Rankin,		
Lanius,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 500 (House Bill No. 445), entitled:

An Act supplementing the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing

certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing additional credit for service and prior service for State employes who were formerly employed as teachers principals or superintendents in the public school system of the Commonwealth

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Norton,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Bean,	Homsher,	Pierson,	Salus,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson
Coyne,	Law,	Reed	(Westmoreland)
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—1

Shapiro,

A majority of the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 513 (House Bill No. 1043), entitled:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (P. L. 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefore without charge" as amended governing the issuing of licenses.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsner,	Owlett,	Salus,
Bennett,	Howell,	Pierson,	Shapiro,
Buckman,	Huffman,	Prince,	Sones,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Woodward,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 547, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," providing a procedure for the vacation of such abandoned State highways without the necessity of a view.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Aron,	Gelder,	McCreesh,	Rice,
Batchelor,	Graff,	McGinnis,	Roberts,
Baumer,	Harris,	Norton,	Rodgers,
Bean,	Homsher,	Owlett,	Rupp,
Bennett,	Howell,	Pierson,	Shapiro,
Buckman,	Huffman,	Prince,	Sones,
Chapman,	Hunsicker,	Rankin,	Staudenmeier,
Clark,	Kahle,	Reed,	Thompson,
Coyne,	Lanius,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Woodward,
Frey,	McClure,	(Washington)	Ziesenheim,

NAYS—5

Cavalcante,	Law,	Thompson,
Harvey,	Pytko,	(Centre)

A majority of the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 751, as follows:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties the costs of administration incurred by such boards providing penalties and repealing inconsistent acts.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created in each county of this Commonwealth a County Assistance Board composed of six citizens one of whom shall be appointed by the Governor and four of whom shall be appointed by the courts of common pleas of the county The sixth member shall be the chairman of the board of county commissioners The members of County Assistance Boards shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties Each member of a County As-

sistance Board shall have the right to have assigned to him or her a distinguishing motor vehicle registration plate by the Department of Revenue Each County Assistance Board with the consent and approval of the county commissioners of the county shall have power to employ such experts clerks and assistants as may be deemed necessary to discharge the duties imposed by this act and to fix their compensation Such compensation and the other administrative expenses of a county assistance board shall be paid from funds allocated to the county for unemployment relief but not more than six per centum of the amount so allocated for any month shall be expended for salaries wages and other administrative expenses After the first day of January one thousand nine hundred and thirty-six one-third of the costs of administration of relief shall be paid by the several counties respectively and after the first day of September one thousand nine hundred and thirty-six one-half of such administration costs shall be paid by the county The county commissioners shall at the expense of the county furnish to the County Assistance Board a suitable office or offices at the county seat.

Section 2 The County Assistance Boards created under this act shall supersede the local relief boards and agencies created by the State Emergency Relief Board for the distribution of unemployment relief.

Section 3 The County Assistance Board in each county shall be the agency to expend under the direct supervision of the Governor money appropriated by the Commonwealth for unemployment relief and the moneys received from the Federal Government or any agency thereof for unemployment relief.

All moneys hereafter appropriated by the Commonwealth for unemployment relief shall be appropriated to the Governor and all moneys received from the Federal Government or any agency thereof for relief and work relief shall be added to any appropriations made by the Commonwealth for such purposes and the Governor shall monthly allocate a portion of such moneys for expenditure in the several counties the monthly allocation to be reallocated to the various counties on a ratio that the estimated total number of unemployed persons in a county bears to the estimated total number of unemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry.

Section 4 The Governor shall have power to employ a director of assistance and such other employes as he may deem necessary to perform the duties imposed upon him by this act He shall have power to require from each County Assistance Board such monthly or other periodic reports as he may deem necessary but each County Assistance Board shall be held solely responsible for the expenditure of unemployment relief and determine the amounts to be allowed to individuals and families entitled to unemployment relief Moneys allocated for unemployment relief shall be expended only for food clothing fuel shelter and work relief for residents who are without means of support except that Federal moneys made available for aid to transients may be expended for such purposes.

Section 5 The moneys paid to a County Assistance Board from time to time shall be paid into the county treasury for safe keeping and shall be paid out of the county treasury under such system of requisition and accounting as the County Assistance Board and the county treasurer of the county shall by agreement establish Any county treasurer may with the consent of the County Assistance Board appoint one or more clerks to assist him in the performance of his duties in receiving any paying out moneys and the compensation of such clerk or clerks shall be paid by the county as part of the administrative expense of the County Assistance Board.

Section 6 Any member or employe of any County Assistance Board who shall expend or authorize the expenditure of any money allocated to it under the provisions of this act for any purpose other than one authorized by this act or by law or who shall knowingly give or authorize the giving of aid under the provisions of this act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this act when he or she is not legally entitled thereto because he or she has means of support or any person who shall sell any order issued to him or her by a County Assistance Board for cash or part case or other consideration or sell any food clothing or fuel received for cash or other consideration shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to imprisonment for a term of not more than six months or both at the discretion of the court.

Section 7 The expenditures of County Assistance Boards shall be audited from time to time by the Auditor General in the same manner as other expenditures of Commonwealth moneys and copies of such audits shall be furnished to each board whose accounts have been audited and to the Governor.

Section 8 The act approved the nineteenth day of August one thousand nine hundred and thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prscribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" is hereby repealed.

Section 9 This act shall become effective on the first day of June one thousand nine hundred and thirty-five.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. THOMPSON (Centre). Mr. President, I would like to offer some amendments to the bill, and for this purpose I move to reconsider the vote by which it passed second reading.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, I rise in opposition to this motion, because the two bills—The Batchelor Bill and the Woodward Bill—are supposed to go along together. I believe—at least, I hoped—there shauld be no amendments to the bill on third reading; and I would like to ask the Senator from Centre, Mr. Thompson, to proceed with that understanding, and not send the bill back to second reading. I see no reason why the amendments should not be offered on third reading.

And the question recurring,

Will the Senate agree to the motion?

Mr. THOMPSON (Centre). Mr. President, I withdraw my motion, under the circumstances, and at the request of the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Does the seconder of the motion concur in its withdrawal?

Mr. RODGERS. Mr. President, I concur.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to offer amendments to Senate Bill No. 751, the bill under consideration; and in offering these amendments I want to say very frankly to the Senate that the purpose of these amendments, primarily, is to change the numerical structure of the Board which is created to administer relief.

These amendments which I offer, among others things —and I think the one thing on which most of us might differ—these amendments provide for two members of

this Board to be appointed by the Governor, two members to be appointed by the Common Pleas Court, and the fifth member to be the President of the Board of County Commissioners.

I think that Senate Bill No. 751, the Woodward Bill, in its present form, puts the situation out of balance, because the bill provides that this money shall pass through the hands of the Governor into the hands of the local districts, and yet it gives the Governor only one appointee out of the six members of this Board.

Now, there are some other amendments here which I think necessary in order to obtain the best results from the relief to be administered under this bill, and I now ask this Senate to give very serious consideration to these amendments before passing upon them.

Mr. WOODWARD. Mr. President, I have had several friendly conferences with the Senator from Centre County, Mr. Thompson; and there are two or three other amendments—

The PRESIDENT. The Chair would suggest that the amendments be sent to the desk, and that they be read by the Clerk, after which we can have discussion on the amendments.

The amendments were read as follows:

Amend title, page 1, line 8 of title, by inserting after the word "counties" the following: "part of"; amend section 1, page 1, line 5, by striking out the word "six" and insert in lieu thereof: "five"; amend section 1, page 1, line 6, by striking out the word "one" and insert in lieu thereof: "two"; amend section 1, page 2, line 1, by striking out the word "four" and insert in lieu thereof: "two"; amend section 1, page 2, line 2, by striking out the word "sixth" and insert in lieu thereof: "fifth"; amend section 1, page 2, line 3, by inserting after the word "commissioners" the following: "The appointed members of the board shall hold office for two years and until their successors are appointed and shall at all times be subject to removal by the appointing power"; amend section 1, page 2, line 6, by striping out the words "Each mem-"; amend section 1, page 2, lines 7, 8 and 9, by striking out all of said lines; amend section 1, page 2, lines 16, 17 and 18, by striking out the words "shall be paid by the county, but the amount expended for the compensation of employes and other administrative expenses of a board"; amend section 1, page 2, line 18, by striking out the word "six" and insert in lieu thereof: "five"; amend section 1, page 2, line 22, by inserting after the word "relief" the following: "and by the county"; amend section 1, page 2, line 22, by striking out the word "six" and insert in lieu thereof: "an amount equal to five per centum"; amend section 1, page 3, line 2, by striking out the words "at the expense of the county"; amend section 1, page 3, line 4, by inserting after the word "seat" the following: "the rental and expenses of operating which shall be deemed part of the administrative expense"; amend section 4, page 4, line 20, by inserting after the word "act" the following: "but an amount of not more than one per centum of the total amount allocated by the Governor for expenditure by county assistance boards shall be expended by the Governor for the salary of the director and other employes and for other administrative expenses in making such allocations and reviewing reports"; amend section 4, page 4, line 23, by striking out the word "solely"; amend section 4, page 4, line 27, by inserting after the word "relief" the following: "County assistance boards shall also designate and approve all work relief projects within their respective counties and fix the amount to be expended thereon except such projects as are selected by some properly authorized agency of the State or Federal Government"; amend section 4, page 5, line 1, by inserting after the word "shelter" the following: "medical and dental care"; amend section 5, page 5, line 15, by striking out the words "by the county"; amend bill, page 5, by inserting after line 16 the following section: "Section 6. No unemployment relief shall be granted by any county assistance board except upon written application of the person applying therefor setting forth such information as the board may require. Every application for relief filed with a board shall be acted upon within one week after the same is filed. Any person who shall feel aggrieved by the action of a county assistance board refusing to approve any application for relief may appeal by petition from the action of such board to the court of quarter sessions of the county. Thereupon the court shall fix a day for hearing, of which notice shall be given to the county assistance board as the court may direct. After hearing the court shall make such order affirming the action of the board or reversing the same, and directing the board to grant relief in such sum as it may determine as to it appears just and proper. No costs shall be imposed in any such case"; amend section 6, page 5, line 17, by striking out the figure "6" and insert in lieu thereof: "7"; amend section 7, page 6, line 7, by striking out the figure "7" and insert in lieu thereof: "8"; amend section 7, page 6, line 12, by inserting after the word "Governor" the following: "The books, papers, records and documents of any county assistance board shall be open to inspection by taxpayers during business hours"; amend section 8, page 6, line 13, by striking out the figure "8" and insert in lieu thereof: "9"; amend section 9, page 6, line 24, by striking out the figure "9" and insert in lieu thereof: "10."

The PRESIDENT. Is there objection?

Mr. THOMPSON (Centre). Mr. President, I withdraw the amendments.

BILL RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 751, on third reading, be recommitted to the Committee on County Government for the purpose of amendment.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 781 (House Bill No. 1236) on third reading, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks

thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds by providing certain exemptions from the payment of fees provided for therein

go over in its order

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, if there is any Senator on the floor who can explain this bill I wish he would do so, otherwise I ask that it go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 804, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue and the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fines and costs imposed before the restoration of operating privilege in certain cases

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED (Washington). Mr. President, and members of the Senate, I desire to make a short explanation of this bill. It was prepared and presented at the suggestion of a good Judge of this Commonwealth. It provides an amendment to the Act of 1929, which, as the lawyers of this body will recall, is a safety measure providing for safety on the highways of the State. Now, under the Act of 1929—I think in Section 614—it is provided that for certain violations certain penalties shall be imposed, and one of these penalties is based on violations growing out of driving on the highways while under the influence of intoxicating liquor. Now, the penalty under the Act is a fine of two hundred dollars, and costs, and the cancellation of the license of the operator of the motor vehicle. This extends for a period of one year. Now, this bill provides that the license cannot be restored until the fine and costs have been paid. I understand from a reliable authority that these cases are increasing at a very great rate, and one of the reasons for this amendment is to endeavor to deter or reduce the number of these serious cases.

Another reason is that it provides for the obtaining of the revenue prescribed by the Act of 1929. I understand that in a great many cases the fine is never paid, and I repeat that this bill provides for the payment of the fine and the costs before a license will be restored.

Mr. BUCKMAN. Mr. President, in opposing the passage of this bill, I do not wish to be understood to hold any brief for anyone who pleads guilty or is convicted of driving while under the influence of intoxicating liquor, but I do have an eye to the collection of the fine, and it seems to me this bill is a left-handed way to go about it. As the Senator from Washington has said, the fine of two hundred dollars is the minimum fine under the Act, and when that fine is imposed by the Court, I know from experience that a great many Judges allow a definite time in which to raise the $200.00 fine and costs. In a great many cases, from my own knowledge, the only source of earning we find with a great many defendants would be to wait until the year was up, then to use his truck to make the money to pay his fine, and if he cannot get his license until the end of the year, as provided in this Act, it seems to me he would be less able to earn the fine to pay into Court, which would go to the benefit of the Commonwealth and be put into the Motor Fund. It seems to me, therefore, that in order to help get this revenue, it is the wrong way to go about it, to prevent men from having a license in order that he may drive his truck and earn the money to pay the fine and costs.

Mr. STAUDENMAIER. Mr. President, I would like to interogate the sponsor of the bill, the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED (Washington). Mr. President, I will

Mr. STAUDENMAIER. Mr. President, will the Senator from Washington County, Mr. Reed, consider an amendment striking out Section 4, on page 4, of this bill? Before he answers I would like to point out that Section 4 would provide for a revocation of the operating privilege for one year. According to (a) under Section 614 it provides "and until the fine and costs imposed shall have been fully paid the operating privilege" shall not be restored. And if you look at Section 4 you will find it says "Conviction of an operator of a motor vehicle involved in an accident resulting in injury or death to any person or damage to property, upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident" and so forth.

Now, do you think that is a very fair provision—to have such a severe penalty attached?

Mr. REED (Washington). Mr. President, it is rather severe, but it should be severe, because those cases are increasing rapidly, I have been warned, too; but I will not be like King George of England, I will take a half loaf rather than no bread, and I will submit that amendment.

Mr. STAUDENMAIER. Mr. President, do I understand that the Senator from Washington, Mr. Reed, will submit that amendment?

Mr. REED (Washington) Mr. President, I will, yes.

Mr. STAUDENMAIER. Mr. President, will the Senator from Washington, Mr. Reed, agree that the bill go over in

its order, so that the bill may be drawn along those lines —with Section 4 omitted?

Mr. REED (Washington). Mr. President, I will withdraw the whole of Section 4.

Mr. STAUDENMAIER. Mr. President, the only reason I say this to the members of the Senate is that an examination of the cases, on this charge of failing to stop and render assistance and failing to disclose identity, shows there is considerable confusion as to what actually constitutes a failure to stop and render assistance, and oftimes this failure to disclose your identity—you go along the highways, and you have an accident—it may be a woman driver, or perhaps someone who has served in this Senate for some time has become extremely nervous on account of the atmosphere surrounding us, or has become neurasthenic for some other reason, and may drive on for a square or two squares after the accident and then come back. Now then, some of the cases have stated that that constitutes failure to stop and disclose identity. It is going pretty far. But the cases have long held that to have a penalty of this type inflicted, or imposed, would, at the same time, be a severe hardship.

BILL OVER IN ORDER

Mr. PRESIDENT. I believe the sponsor has agreed that the bill should go over in its order, and this particular section, section 4, be taken out of the bill.

The PRESIDENT Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 958, entitled:

An Act making an appropriation to the Coudersport General Hospital

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 959, entitled:

An Act making an appropriation to the Northern Tier Home Harrison Valley Potter County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORTS FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Municipal Government reported as committed, Senate Bill No. 1015, entitled:

An Act to amend sections one, seven and eleven of the act, approved the seventh day of February, one thousand, nine hundred and six (P. L. 7), entitled "An act to enable cities that are now, or may hereinafter be, contiguous or in close proximity, to be united, with any intervening land other than boroughs, in one municipality; providing for the consequences of such consolidation, the temporary government of the consolidated city, payment of the indebtedness of each of the united territories, and the enforcement of debts and claims due to or from each," by requiring a majority vote in each city and in the intervening land voting on the question of consolidation.

Also from the Committee on Elections reported as committed, Senate Bill No. 603, entitled:

An Act to amend section six of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 857), entitled "An act to provide for the personal registrations of electors as a condition of their right to vote at elections, and their enrollment as members of political parties as a further condition of their right to vote at primaries, in cities of the first class of this Commonwealth, by removing from office all existing registration commissioners and their appointees in said cities, and authorizing the Governor to appoint registration commissions therein; defining the jurisdiction of said commissions, and the powers and duties of the commissioners constituting same, and of their appointees, including registrars, inspectors of registration, clerks, and counsel; fixing their qualifications, terms of office, and compensation; granting them certain immunity from arrest on registration days; and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence, as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof, to copy or demand a list of the lodgers therein, and to supervise the conduct of regis-

trars; regulating the registration of electors at polling places by registrars, and at the offices of commissions by commissioners, and the right of parties or bodies of electors to have watchers thereat, and the preparation and use of street lists and other records of those registered; allowing the names of persons not entitled to vote to be struck from the registers in certain cases; permitting all records regarding registration to be inspected and copies by any elector under certain conditions; directing how the registers shall be used at elections and primaries; compelling the attendance of witnesses and payment of witness fees; and providing penalties for refusal to abey subpoenas; directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to sign subpoenas and vouchers, and to collect and disburse witness fees; prescribing a method for challenging persons applying for registration, and the procedure for the correction of registers, and for appealing from actions of registrars to said commissions; and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas; imposing certain duties upon election officers and upon the councils, treasurers, controllers receivers of taxes, police officers, and other officials of said cities and upon the courts, judges, prothonotaries, sheriffs, commissioners, peace officers, and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive; legalizing certain acts required hereby if done on any Sunday or legal holiday; requiring said cities to provide for the maintenance of said commissions, and the compensation of their appointees, and the payment of all expenses necessary to carry out the provisions of this act, and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions; punishing and fixing penalties for violations hereof; and repealing all legislation inconsistent herewith;" changing the qualifications of persons to be appointed as registrars.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 1003, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating, repairing, restoring and reconditioning the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society and known as "Old Economy."

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1008, entitled:

An Act making an appropriation to the Pittsburgh Home for Babies, Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1009, entitled:

An Act making an appropriation to the Children's Hospital of Pittsburgh, in the city of Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1010, entitled:

An Act making an appropriation to the Coleman Industrial Home for Colored boys, of one thousand seven hundred and twenty-one Bedford Avenue, Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1011, entitled:

An Act making an appropriation to the Passavant Hospital, of Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1012, entitled:

An Act making an appropriation to the Pittsburgh Hospital Association, Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1013, entitled:

An Act making an appropriation to the Pennsylvania Association for the Blind, Incorporated, at Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1037, entitled:

An Act making an appropriation for the purpose of reimbursing county treasuries for moneys refunded or to be refunded to owners of Liquor licenses in accordance with the provisions of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 1052), entitled "An act providing for the refunding of retail liquor license fees and additional taxes to holders of licenses to sell vinous, spirituous, malt or brewed liquors or any admixture thereof, or intoxicating liquor, where the act of Assembly under the authority of which such licenses were granted has been repealed by the General Assembly of one thousand nine hundred and twenty-three prior to the expiration of the license year for which such licenses were issued; providing for the payment of such refund in certain cases by the county in which such license was granted, and the repayment to such county by the city, borough, township, and State of their respective shares of such refund, and for the payment of such refund in certain cases by the State alone; providing the procedure in such cases; and making an appropriation."

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 840

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 840, entitled:

An Act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money,

with the information that the House has passed the same without amendment.

HOUSE CONCURNS IN SENATE BILL NO. 841

He also returned to the Senate, Senate Bill No. 841, entitled:

An Act transferring money from the Motor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 842

He also returned to the Senate, Senate Bill No. 842, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money,

with the information that the House has passed the same with amendment.

HOUSE CONCURS IN SENATE BILL NO. 843

He also returned to the Senate, Senate Bill No. 843, entitled:

An Act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money,

with the information that the House had passed the same without amendment.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 678, entitled:

An Act to amend section twenty-one and to repeal section forty-five of the act, approved the fifteenth day of April, one thousand eight hundred and thirty-four (P. L. 509), entitled "An act relating to county rates and levies and township rates and levies," as amended; abolishing imprisonment for failure to pay taxes.

House Bill No. 1459, entitled:

An Act to further amend sections one and two, and to add sections two A, two B, two C and two D, to the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 900), entitled "An act relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs for and as fresh, that are not fresh eggs, or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," providing standards for fresh eggs and prohibiting illegal sales and misbranding.

House Bill No. 1788, entitled:

An Act to amend section four hundred eighteen of an act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled "Administrative Code of 1929," as amended, by changing the names of the State Association and training schools for nurses.

House Bill No. 1789, entitled:

An Act to amend sections one, three, four, five, seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 988) entitled "Nurses Registration Law," by changing qualifications for registration, the publishing of a list of registrants, and fixing penalties.

Senate Bill No. 840, entitled:

An Act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Senate Bill No. 841, entitled:

An Act transferring money from the Motor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Senate Bill No. 842, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Senate Bill No. 843, entitled:

An Act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President. I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

WORKMEN'S COMPENSATION REFEREES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Paul Jones, 2124 Center Avenue, Pittsburgh, Allegheny County, for appointment as Workmen's Compensation Referee, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Edward W. Walsh, Barnesboro, Cambria County, for appointment as Workmen's Compensation Referee, vice F. A. Hess, whose term expired, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

Stanley F. Dobrowlski, 3512 Butler Street, Pittsburgh, Allegheny County, for appointment as Workmen's Compensation Referee, vice L. E. Christley, resigned, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with,

and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Daly,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff.			

NAYS—0

Two thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RANKIN. Mr. President I move that the Executive Session do now rise.

Mr. REED (Washington). Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. RODGERS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Rodgers, will state his question of personal privilege.

Mr. RODGERS. Mr. President, on the desk of each Senator I laid this morning a little pamphlet entitled "Let us have Protection from Floods." This is the most meritorious project, apparently, that Pennsylvania has offered to Washington for the securing of the enormous amount of money which we hope to get to relieve the unemployed in this State.

This project originated with the Flood Commission of Pittsburgh, and has been studied for years and years—over twenty-five years to my knowledge. The engineering features, the industrial contacts have all been satisfactory, and it is now just a question of securing the money, as these fourteen multiple-use projects for flood protection throughout the Ohio, Mississippi and Allegheny valleys are ready to go. The one project alone, the Tygart Dam at Grafton, West Virginia, is now under way. It will employ 2200 men for over two and one-half years, and will cost about fifteen and a half million dollars.

This, as I say, is already under way. There are thirteen other dams to be built in these projects, and we are hoping to secure from the Federal Government sufficient money to at least start within the next few years all of the nine dams which are to be erected in Pennsylvania. The rest of the dams are to be in Ohio and West Virginia.

This project has been approved by the United States engineers, all of the engineering features having been satisfactory. The Mississippi Valley Authority has approved it. The House and Senate Committees on Flood Control, in Washington, have approved this project; and we, of the Tri-State Authority, which has to do with the political side of this movement, think it is deserving of the support of the Senate and House, and all other people in Pennsylvania, for the simple reason that it is not controversial in any respect.

Petitions bearing over five hundred thousand signatures have gone to Washington. They have been signed by the President of the United States Steel Corporation, by Jones & Laughlin, by all of the railroads, all of the coal companies; all of the various interests to be benefited have signed this petition.

As I say, there are nine dams to be built in Pennsylvania. The one in the Tygart River is now under construction, and we have invited the President of the United States—we hope he will accept—to appear in Grafton himself, in the early part of June, to pour the first concrete on this Tygart Dam. The dam itself will be half the height of the Washington Monument, and will stretch a distance of, say, from the Washington Monument to the Lincoln Memorial in Washington—to give you some idea of the height of the dam. And that is a small dam in this project.

The next dam will be built at Warren, Pennsylvania, and we believe that the money is forthcoming. The President has said he would approve the building of the dam at Warren. It would put one of the impounding reservoirs in the Monongahela River and one in the Allegheny River.

When the nine dams are built in Pennsylvania it will mean that the flood level will be reduced by probably eight feet.

The reason I bring this to your attention is the great need for employment which confronts us at this time. And we of the Tri-State Authority feel that these projects are all ready to start. Within sixty days there is hardly one of the fourteen dams that could not be started. We have asked Secretary Ickes to give us two hundred thousand dollars immediately in order that we may make the test borings on the Warren dam, so that when we do get our $350,000,000—which we hope to get for Pennsylvania—we will be ready to put the picks and shovels into the ground at Warren, Pennsylvania.

As I say, these projects are not controversial; there has not been one objection on the part of anybody to these works; and it is my thought to introduce in this Senate—probably next week—a resolution to memorialize Congress, and ask the President and the Flood Control Committee of the Senate and House at Washington to consider favorably all of these fourteen projects, in order that we might relieve this unemployment situation in Pennsylvania.

REPORTS FROM COMMITTEES

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Judiciary Special re-reported as amended, Senate Bill No. 144, entitled:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy, making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief, conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties.

Mr. RUPP. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP from the Committee on Judiciary Special reported as committed, Senate Bill No. 743 (House Bill No. 835), entitled:

An Act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" by requiring three days to elapse between the application for and the issuance of the license.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS from the Committee on County Government reported as committed, Senate Bill No. 794, entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until 4:30 this afternoon.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 979 (Senate Bill No. 1051), entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; providing for the appointment of registration commissioners for such cities; and prescribing their powers and duties and the powers and duties of registrars, inspectors of registration and other appointees of such commissions, election officers, municipal officers, courts, judges, notaries, sheriffs, county comm[illegible] peace ers, county treasurers, county controllers and registrars vital statistics; and imposing penalties.

Which was committed to the Committee on Elections.

House Bill No. 1521 (Senate Bill No. 1052), entitled:

An Act imposing certain requirements on hospitals receiving State aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare.

Which was committed to tthe Committee on State Government.

House Bill No. 2122 (Senate Bill No. 1053), entitled:

An Act providing for the annual registration with the Department of Labor and Industry of establishments where persons are employed; requiring certain statistical data relating to unemployment and accidents to be furnished the department; authorizing the department to prescribe an annual registration fee; and imposing a penalty for violations of the act.

Which was committed to the Committee on Labor and Industry.

HOUSE CONCURS IN SENATE BILL NO. 149.

He also returned to the Senate, Senate Bill No. 149, entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated,

with the information that the House has passed the same without amendment.

HOUSE MESSAGES

LEGISLATURE TO ENDORSE "WORKERS' RIGHTS AMENDMENT," TO THE U. S. CONSTITUTION

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Federal Relations.

In the House of Representatives, January 29, 1935.

Whereas, Under present law practically every measure for the advancement of the interests of the workers must be [fought out] acted upon and passed in each of the forty-eight states [and when a victory is won there is danger that the Supreme Court of the United States will declare legislation for the protection of wage earners] with the possibility that the United States Supreme Court [unconstitutional; and] may declare said legislation in whole or in part unconstitutional and

Whereas, In order to abolish this condition, there is being advocated an amendment to the Constitution of the United States known as the "Workers' Rights Amendment," which if adopted, would permit Congress and the several states to enact social welfare legislation, and which reads as follows:

"Article XX

Section 1. The Congress shall have power to establish uniform laws throughout the United States to regulate, limit and prohibit the labor of persons under eighteen years of age, to provide for the relief of aged, invalid, sick and unemployed wage earners and employes in the form of periodical grants, pensions, benefits, compensation or indemnities from the public treasury, from contributions of employers, wage earners, or from one or more of such sources, and generally for the social and economic welfare of the workers in the United States.

Section 2. The power of the several states to enact social welfare legislation is unimpaired by this article, but no such legislation shall supersede, abridge or conflict

with any act of Congress under this article," therefore be it

Resolved (if the Senate concur), That the Legislature of Pennsylvania endorses such proposed amendment to the Constitution of the United States and urges upon the Members of the House of Representatives and the Senate of the United States the passage of the same; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of the Commonwealth to each Member of the House of Representatives of the United States from Pennsylvania, and to each of the two United States Senators from Pennsylvania

Referred to the Committee on Federal Relations, January 29th.

Reported as amended, April 16th.

AMENDMENT TO HOUSE BILL NO. 450 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 450, entitled:

An Act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows:

Amend section 2 page 3 line 10 by inserting after the word "commissioners" the words "or supervisors"

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

AMENDMENT TO HOUSE BILL NO. 1023 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

An Act prohibiting the sale and distribution of medicines, drugs, poisons and articles intended for use in the cure, mitigation, treatment or prevention of disease in man or animal by means of vending machines.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, were twice read as follows:

Amend section 1, page 1, line 8, by striking out the word "animals" and inserting in lieu thereof the word "animal"; also page 2, line 9, by striking out the following "other than food but"; also line 10 by striking out the word "including" and inserting in lieu thereof the words "That contain"; also line 13 by striking out the word "animals" and inserting in lieu thereof the word "animal"; also page 2 by inserting after section 2 the following: "Section 3 This act shall become effective immediately upon its final enactment."

On the question,

Will the Senate concur in the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Law,	Reed, (Washington)	Trainer,
Coyne,	Mallery,	Rice,	Woodward,
Ealy,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Dauphin). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of personal privilege.

Mr. REED (Dauphin). Mr. President, and members of the Senate:

The late U. S. Senator Hoar of Massachusetts, said of Pennsylvania: "A State which perhaps more perfectly than any other community on earth represents every interest, and employment of civilized man—the farm, the factory, the mine, the railroad, commerce, manufacture and agriculture."

The U. S. Census of Manufacturers says: "Of 336 distinct kinds of manufacture carried on in the United States, 311 or 92½% are in operation in Pennsylvania. Of these 311, there are 42 in which Pennsylvania leads all other States; 44 in which Pennsylvania is second; and 114 in which it is either third, fourth or fifth. That is to say, of this country's 336 kinds of manufacture, Pennsylvania ranks from first to not lower than fifth in 200."

According to the Federal Reserve Bank: "The average wage paid by Pennsylvania manufacturing industries in March, 1935, was 4% higher than in March, 1934. This increased wage, multiplied by the number employed, which also had increased by 3%, represented a total payroll 10% higher in March, 1935, than in March, 1934."

It is a fact the significance of which hardly need be emphasized here, that throughout the four hectic months that the present State Administration has been in office, neither the Administration itself nor any supporter of it has offered any proposal designed to promote business and industrial recovery in Pennsylvania.

During practically the whole of that period the Legislature has been in session. In the lower House a preponderant Democratic majority has boasted of its rubber-stamp subservience to the Executive. From that source have come thousands of bills, many of them the Administration's own measures, aiming to boost taxes, impose costly and unworkable restrictions, and raise the costs of business and industrial operation beyond the hope of successful competition with similar activities in other States.

But upon the one subject that is uppermost in the mind of every thinking person, not one word, not even a single gesture.

On the contrary, the Governor prepared what was obviously a "political" budget, which, with its attendant proposal for $203,000,000 of new and additional taxes, was based wholly upon the theory of a diminishing business and industrial activity within Pennsylvania during the next two years, with resultant shrinkage of revenues from existing sources, and a steady expansion of the already scandalously swollen relief rolls.

That is a plain statement of fact concerning the Administration's budget and tax program which it would be well for everyone to clearly understand. It is a statement which cannot be denied, yet it is quite certain that no one would get any such impression from what the Governor or any of his supporters have had to say in the tirades of abuse and wilful misrepresentation which he and they have poured out through the newspapers and over the radio, against those who have refused to accept or approve such an unwarranted and indefensible program.

The public has been treated to such opera bouffe heroics as—

"I am faced with a small group of selfish, wilful men." (A direct quotation from another Democrat of some seventeen or eighteen years ago.)

"I will agree to no compromise which will violate the confidence that Pennsylvania has placed in me."

"I will not sell out the people of Pennsylvania."

"I want to sound this warning."

"I will not permit the Republican leadership to foist upon our Commonwealth—" etc., etc.

That sort of orating may be diverting for the moment, but it is something new in political and economic reasoning that to add more than 200 million dollars to the people's tax bill is an unalterable requirement of keeping faith with the electorate, and that any paring down of that sum would be to "sell out the people." However, it is no more inconsistent than the balance of the Earle program, which, instead of giving any consideration to further business and industrial recovery in Pennsylvania, would make it impossible. But that statement is far from presenting the whole case. The legislative proposals which have been directed against the business and industry of Pennsylvania—against the jobs of the wage-earners in this State—with the sanction and support of the Administration would drive from this State the industries upon which the whole economic set-up of Pennsylvania is based, just as surely as similar State legislation has driven hundreds of industrial plants out of Massachusetts, leaving hundreds of thousands jobless, and just as the National Administration's experimental program is now devastating great sections of industrial New England, virtually forcing mills and factories to move out of the United States and locate in foreign countries.

Massachusetts, an industrial State remarkably comparable with Pennsylvania, has learned its own bitter lesson about the relationship of all other activities to manufacturing enterprise. Well-meaning but uninformed experimenters began "rocking the boat" more than a decade ago. The buildings, the machinery, the capital and the earnings of industry were taxed. In addition, cost-increasing regulations and restrictions, presumably in the interests of the wage earners, were imposed with a fine disregard of economic laws and the warnings of those who could see the inevitable consequences.

It was a hey-day for the demagogues, who, their hearts bleeding for the "average man," were right out front shouting that they weren't going to see the people sold out; that they would agree to no compromise that would violate the confidence that had been placed in them; and characterizing those who dared to face the facts as a small group of selfish, wilful men.

Labor could not be shown that it was cutting its own throat; those not directly concerned with industry could not see where they had any interest; merchants and professional groups, equally shortsighted, would not comprehend that they were destroying their own businesses and multiplying their own ultimate taxes at one and the same time.

With what result? The facts are a matter of official record. Industry after industry either liquidated and went out of business, or migrated to some other State. During the most prosperous years this country ever had known, Massachusetts alone showed an actual and substantial decline in the number of wage-jobs in industry. Unemployment became an acute problem long before the depression set in. During the 11-year period 1919-1929, the average annual wage in industry in Massachusetts ranged from 9% to 18% below that in Pennsylvania, and for the period as a whole was 13½% lower. Purchasing power dwindled; merchants watched trade drop to a fraction of its former figure; property values disappeared. Taxes rose sharply as a result of relief requirements and the reduced number of taxables. Inasmuch as idle mills pay little or no taxes, the full load had to be carried by those taxpayers still remaining. The result was that entire communities such as Fall River went bankrupt and had to be taken over by the State. Nobody gained; everybody lost.

In all matters which affect productive enterprise, two facts stand out so clearly that no intelligent person will

attempt to dispute them; no honest mind will attempt to ignore them. The first is that what happens in one State as a consequence of adverse and ill-advised legislation, is bound to happen in a similar State if the same causes are put in operation. The second is that in a study of anything which affects Pennsylvania's productive enterprises, due consideration must be given to national factors now affecting them, and that any action based upon consideration of only a part of the picture easily may bring about the most disastrous results.

In view of the periodic pronouncements from Washington and elsewhere, to the general effect that it is now up to industry to put more people to work, and that wages must be increased, it is worth knowing just what the manufacturing enterprises have accomplished in both of these matters—and by what methods, under what handicaps, and against what odds.

No one who is acquainted with the facts will deny that 1929 was a boom year for wage-earners in the manufacturing industries. The stock market crashes did not occur until October and November, and they did not have any immediate effect on industrial labor. Aside from the abnormal year of 1919, labor in the United States recorded in 1929 its biggest peace-time year in history. In number employed and in the average wage received, it exceeded all records.

Consider, then, these official statements by the U. S. Department of Labor in the March (1935) issue of its Monthly Labor Review:

In January, 1935, per capita weekly earnings in manufacturing industries were 78% of the 1929 average. If changes in the cost of living are taken into account, per capita weekly earnings in January, 1935, were substantially the same as in 1929.

Progress toward a return to the 1929 level of employment advanced until, in January, 1935, 75% of the workers in 1929 were employed.

We have, then, from the highest labor authority in the country, the fact that by January, 1935, the manufacturing industries of the United States were employing 75% of the total number employed in the record year 1929, to whom they were paying a per capita weekly wage 78% of the 1929 average, the purchasing power of which was equal to that of 1929.

The Department of Labor gives the figures which show how this was done As between January, 1933, and January, 1935—

1 Number of employes increased 31%, although total number of man-hours worked increased only 26%.

2. Per capita weekly earnings increased 24%, although the average number of hours worked per week decreased 4%.

3. Total amount of payroll increased 62%.

Pennsylvania employs one-twelfth of all the wage-earners in the manufacturing industries of the whole country. Of the 336 separate kinds of manufacture carried on in the entire United States, 311 or 92½% are in actual operation in this State. In 42 of them Pennsylvania leads all other States; in 44 others in second; and in a total of 200 is not lower than fifth among all the States. Manufacturing industry is the basis of Pennsylvania's purchasing power and the foundation of the whole economic set-up in the Keystone State. What has been our record of recovery in that field?

Official Federal figures show that the average annual wage paid in the manufacturing industries of Pennsylvania for 1929 was $1,381. Seventy-five per cent of that figure would be $1,035.

The Federal Reserve Bank has just issued the Pennsylvania figures for March, 1935, which show that average weekly earnings in the manufacturing industries of this State are precisely those for the nation as a whole—in other words, that Pennsylvania industrial workers, in spite of a shorter average work week, are now being paid at the average rate of $1,035 per annum.

And in illustrating the advance, the Federal Reserve statistics indicate that while employment increased 3% in the single year March, 1934, to March, 1935, total payroll advanced 10% in the same 12-month period.

There is Pennsylvania's position in the national industrial picture. How was it accomplished? The fact is that the degree of industrial recovery effected to date has been achieved in spite of almost insurmountable obstacles, handicaps and barriers erected by an experimenting, inexperienced and misled National Administration, and in the case of approximately 80% of the corporations of Pennsylvania the increased payroll has not been met out of earnings, but to a considerable extent has had to come out of capital and reserves. Federal figures prove that statement beyond dispute.

The Bureau of Internal Revenue, at Washington, reports that for the year 1932 only 4,546 Pennsylvania corporations showed any net income, while 19,143 or 81% showed an actual loss. The total net income amounted to $164,050,000, while the deficit was 3½ times that figure, or $567,085,000.

Moreover, figures for 1933 and 1934 show approximately the same proportion of corporations recording an operating loss during those years, and that the ratio of loss to net earnings is about the same now as in 1932 is indicated by other evidence.

For example, the financial advisers of the Earle Administration, estimating what return might be expected through the next two years from a 6% tax on the net income of corporations, put the figure at $10,000,000 per annum That is just about 6% of the net income earned by Pennsylvania corporations in 1932—the year in which the losses were 3½ times the net earnings.

Yet in the face of its own tacit admissions on the subject of earnings and losses by the productive enterprises of Pennsylvania, the Earle Administration, offering not a single suggestion toward business and industrial recovery in this State, is urging and demanding the enactment of measures (wholly in addition to increased taxes) which would put upon the industries of Pennsylvania entirely new and additional costs vastly in excess of the total of present or prospective net earnings!

The utter inconsistency of such procedure cannot be obscured by the repeated cries of "Wolf! Wolf!" nor can it be justified with economic platitudes and political hokum. The intelligent workers of Pennsylvania want dependable jobs with which to support themselves and their families. A majority of those who are on relief have no relish either for the help they are temporarily compelled to accept, or for the political domination, actual and implied, of those who happen to have the administering of relief funds which do not come from the Democratic Party but from all the people of this country, including those who have wage-jobs. They, too, want work.

Working or at present unemployed, they are not in favor of trading the present and prospective jobs of Pennsylvania either to foreign wage-earners under ill-advised National policies, or to the people of other States through driving our own industries out of Pennsylvania.

Nor is it a matter affecting wage-earners only. There is not a group or calling which is not concerned. It affects thousands who are engaged in dependent or related activities; merchants, who would be the first to suffer from any curtailment of present purchasing power; taxpayers generally in every community.

As I have said, No intelligent or trustworthy judgment could be reached on State legislation affecting the manufacturing industries, if the consideration did not take account of important national policies vitally affecting those same industries. The truth of that statement is convincingly apparent when it is remembered that for identically the same work, the manufacturing industries of this country pay to their workers from two to twenty and more times the wages paid by the industries of the various foreign countries whose goods are shipped into the United States to compete with the products of American factories and labor.

It will be in order, therefore, to examine some of the handicaps in this direction under which Pennsylvania and other American Industry has labored, while bringing wages up to a purchasing power equal to that of the boom year 1929, and paying those wages only partly out of earnings, and partly out of capital and reserve.

Bearing in mind that for the year 1929 our imports, both as to volume and value, far exceeded those of any other year in our history, the following figures have a deep and serious significance. They are for the calendar year 1934, as compared with the calendar year 1929, on certain imports from Japan.

Commodity	1934 Imports
Cotton Gloves	8 times the 1929 quantity.
Castings and Forgings ...	10 times the 1929 quantity.
Cotton Hosiery	18 times the 1929 quantity.
Bleached Cotton Cloth ...	35 times the 1929 quantity.
Cotton Handkerchiefs	600 times the 1929 quantity.
Knives, folding blades ..	2,121 times the 1929 quantity.

Here is another enlightening list, not limited to any one country, in which the comparison is between the calendar year 1934 and the calendar year 1932:

Commodity	1934 Increase Over 1932
Printing Paper, not Newsprint	100%
Bottles	100%
Graphite	100%
Watches and Movements	112%
Cotton Knit Wear	127%
Children's Leather Shoes	189%
Anti-friction Bearings	200%
Cotton Velvets and Velveteens	285%
Soap, Except Toilet Soap	442%
Eyeglasses, frames and parts	4,284%

Has anyone heard of any American businesses that are from 8 to 2,000 times better today than they were in 1929? Yet they are the ratios by which certain Japanese industries have increased their business with the United States—in commodities directly competitive with those of American manufacturers, employing American labor.

How many American businesses have increased their output by from 100% to more than 4,000% since 1932? Yet they are the ratios of increase in imports directly competitive with the products of American factories and American labor.

Government figures show that as between 1930 and the present time no less than $150,000,000 has been withdrawn from American manufacturing enterprise and invested in foreign manufacturing enterprise. The reason is clear enough. Wages are so depressed, production costs are so low, in foreign countries, that hundreds of products manufactured abroad can be shipped here, and, after transportation costs and tariff duties are paid, can be sold at a profit in the United States at prices which cannot be met by our own industries which pay American taxes and American wages, and are the target of every demagogue, the football of political grandstanders and economic quacks.

The same Government figures referred to above, show that the migration of this $150,000,000 of manufacturing capital provided 300,000 foreign jobs which otherwise would have been American jobs. Experience of the Relief Administration has shown that for a hundred men put to work, 433 persons go off the relief rolls. Those 300,000 jobs, therefore, would have provided self-support for 1,300,000 persons now on relief, and Pennsylvania's ratio of one-twelfth would have given economic independence to 108,000 now on the relief rolls of this State.

Nevertheless there are those who would proceed upon the theory that these things are not all tied in together.

In the light of such facts and figures as have been set forth only sketchily here, it can be said that the manufacturing enterprises of Pennsylvania and the country at large have recorded an almost miraculous achievement in bringing industrial employment up to 75% of what it was in the record year of 1929, and raising wages to a purchasing power equal to that of the peak wages of 1929.

One might reasonably suppose, and even confidently expect, under circumstances such as these, with millions seeking jobs and with Industry making superhuman efforts not only to provide those jobs but to do so at Real Wages equal to a pre-depression high, that the National Administration at Washington and our State Administration at Harrisburg would stop throwing monkey wrenches into the economic machine and co-operate without limit to help effectuate that Recovery toward which manufacturing industry has made such a notable contribution.

Instead of that, two amazing exhibitions of political boon-doddling.

In the face of imports which are displacing thousands of American jobs and needlessly adding to the relief rolls, the President authorizes his Secretary of State, Mr. Hull—about the only free-trader left in the United States—to negotiate trade treaties with foreign countries whereby it may be made easier for those countries to unload their products upon the United States, thereby further stifling our own enterprise and depriving additional thousands of American wage-earners of the opportunity to earn their own living.

In the light of such procedure, can it be considered just accident, or unavoidable misfortune, that there are some 440,000 more men out of work today than there were a year ago? That 22,000,000 of our people—one-sixth of the entire nation—are living on relief? What really lies

beneath the surface of this intolerable situation in which there is every evidence, both in Washington and in Harrisburg, of a fixed determination that productive enterprise shall not be permitted to go forward?

It has been stated by responsible persons, and it has not been denied, that the Government's open objective is to get the maximum number possible on relief. The fact is that in spite of the increased employment and payrolls of Industry, in spite of the fact that mutual savings deposits in this country increased by $163,000,000 during 1934, with 423,000 new accounts in such institutions, with an increase of $793,000,000 in the volume of new business handled by the larger life insurance companies, the number of families on relief in February of this year was nearly 2,000,000 more than in February, 1934.

In an editorial (April 6, 1935) the New York Times gave the figures as between February and February as follows:

Factory employment	up	4.5%
Factory payrolls	up	14.0%
Savings bank accounts	up	3.2%
New Life Insurance	up	10.1%
FAMILIES ON RELIEF	up	72.5%

And, said that Democratic newspaper, "These figures do not fit together easily."

Yet that situation has significant parallel right here in Pennsylvania. In every one of the many speeches he has made upon the subject, Governor Earle has referred to "the 2,000,000 persons on relief" in this State. The actual average for the first three months of his administration was 1,690,000. Why the exaggeration by 310,000, or nearly 20%?

It is a pustifiable assumption that the Governor calculated that the enlarged figures would help soften the shock to the public when the fact was revealed that during the first three months of his Administration the cost of relief, per person, was 70% above the average for the whole of 1934, and 120% above the average for the corresponding three months of last year.

There has been no real mystery, therefore, as to the reason for the insistent demand that the Legislature appropriate relief funds for a full two years, on the basis of $5,000,000 a month as the State's share.

On the contrary, the suspicion is becoming widespread that there has been and is a definite and well-considered program for deliberately enlarging the relief rolls for Democratic political purposes, even by the desperate expedient of hamstringing industry and crucifying labor by destroying more jobs.

Consider the evidence—and the bald facts cannot be denied:

1. Not a single suggestion looking toward Recovery. 2. A program for added taxation inflated beyond reason. 3. Relief costs 70% above the average for 1934; 120% above the average for the same months of 1934. 4. Complete disregard of present burdens and handicaps on productive enterprise. 5. An Administration-backed Compensation Law which would add not less than $50,000,000 a year to the costs of industrial operation in Pennsylvania and which unquestionably would cause a wholesale exodus of productive enterprise from this State. 6. A list of other legislative proposals too numerous to list in detail and all designed to further and unnecessarily increase production costs and destroy jobs in Pennsylvania.

Mr. President, Thomas Jefferson in his first inaugural stood for "a wise and frugal government which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned."

Sixty years later the immortal Lincoln stood for "government of the people, for the people and by the people."

The Republican majority in the Senate of Pennsylvania today adheres to these immortal declarations of Jefferson and of Lincoln.

Pennsylvania must have a wise and frugal government. Pennsylvania must continue to have government of the people, for the people and by the people.

With the same patriotism with which the Greeks held the passes of Thermopylae, a Republican Senate says that waste and extravagance in government shall not prevail; that excessive levies shall not be made; that Pennsylvania shall continue in the days to come as in the past, the Keystone in the galaxy of the States in agriculture, in commerce and in industry.

REPORTS FROM COMMITTEES

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Forests and Waters reported as committed, Senate Bill No. 792 (House Bill No. 1084), entitled:

An Act to amend sections one and two of the supplement approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1371), entitled "A supplement to the act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (P. L. 555), entitled 'An act providing for the regulation of dams; or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof,' by discontinuing the necessity of securing permits for the erection of certain dams."

Mr. WOODWARD, Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on County Government, rereported as committed, Senate Bill No. 751, entitled:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

CONSIDERATION OF SENATE BILL NO. 751

Mr. WOODWARD. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 751, just reported from committee.

Mr. CLARK. Mr. President, I second the motion

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 751, as follows:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created in each county of this Commonwealth a County Assistance Board composed of six citizens one of whom shall be appointed by the Governor and four of whom shall be appointed by the courts of common pleas of the county The sixth member shall be the chairman of the board of county commissioners The members of County Assistance Boards shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties Each member of a County Assistance Board shall have the right to have assigned to him or her a distinguishing motor vehicle registration plate by the Department of Revenue Each County Assistance Board with the consent and approval of the county commissioners of the county shall have power to employ such experts clerks and assistants as may be deemed necessary to discharge the duties imposed by this act and to fix their compensation Such compensation and the other administrative expenses of a county assistance board shall be paid from funds allocated to the county for unemployment relief but not more than six per centum of the amount so allocated for any month shall be expended for salaries wages and other administrative expenses After the first day of January one thousand nine hundred and thirty-six one-third of the costs of administration of relief shall be paid by the several counties respectively and after the first day of September one thousand nine hundred and thirty-six one-half of such administration costs shall be paid by the county The county commissioners shall at the expense of the county furnish to the County Assistance Board a suitable office or offices at the county seat.

Section 2 The County Assistance Boards created under this act shall supersede the local relief boards and agencies created by the State Emergency Relief Board for the distribution of unemployment relief

Section 3 The County Assistance Board in each county shall be the agency to expend under the direct supervision of the Governor money appropriated by the Commonwealth for unemployment relief and the moneys received from the Federal Government or any agency thereof for unemployment relief

All moneys hereafter appropriated by the Commonwealth for unemployment relief shall be appropriated to the Governor and all moneys received from the Federal Government or any agency thereof for relief and work relief shall be added to any appropriations made by the Commonwealth for such purposes and the Governor shall monthly allocate a portion of such moneys for expenditures in the several counties the monthly allocation to be reallocated to the various counties on a ratio that the estimated total number of unemployed persons in a county bears to the estimated total number of unemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry

Section 4 The Governor shall have power to employ a director of assistance and such other employes as he may deem necessary to perform the duties imposed upon him by this act He shall have power to require from each County Assistance Board such monthly or other periodic reports as he may deem necessary but each County Assistance Board shall be held solely responsible for the expenditure of unemployment relief and determine the amounts to be allowed to individuals and families entitled to unemployment relief Moneys allocated for unemployment relief shall be expended only for food clothing fuel shelter and work relief for residents who are without means of support except that Federal moneys made available for aid to transients may be expended for such purposes

Section 5 The moneys paid to a County Assistance Board from time to time shall be paid into the county treasury for safe keeping and shall be paid out of the county treasury under such system of requisition and accounting as the County Assistance Board and the county treasurer of the county shall by agreement establish Any county treasurer may with the consent of the County Assistance Board appoint one or more clerks to assist him in the performance of his duties in receiving any paying out moneys and the compensation of such clerks or clerks shall be paid by the county as part of the administrative expense of the County Assistance Board

Section 6 Any member or employe of any County Assistance Board who shall expend or authorize the expenditure of any money allocated to it under the provisions of this act for any purpose other than one authorized by this act or by law or who shall knowingly give or authorize the giving of aid under the provisions of this act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this act when he or she is not legally entitled thereto because he or she has means of support or any person who shall sell any order issued to him or her by a County Assistance Board for cash or part cash or other consideration or sell any food clothing or fuel received for cash or other consideration shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to imprisonment for a term of not more than six months or both at the discretion of the court

Section 7 The expenditures of County Assistance Boards shall be audited from time to time by the Auditor General in the same manner as other expenditures of Commonwealth moneys and copies of such audits shall be furnished to each board whose accounts have been audited and to the Governor

Section 8 The act approved the nineteenth day of August one thousand nine hundred and thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" is hereby repealed

Section 9 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, and members of the Senate, this morning the Senator from Centre, Mr. Thompson, offered amendments to this bill, Senate Bill No. 751, on third reading; and the bill was recommitted to the Committee on County Government for the purpose of considering those amendments. A meeting of the committee was held, and I was sorry that the Senator from Centre, Mr. Thompson, was not present at the meeting; but I can assure him that the amendments were read by the chairman of the committee, and that some were approved and some were disapproved; that after a certain amount of discussion the committee decided to report

this bill out as committed, so that the Senate might vote it up or vote it down. If the bill be passed by the Senate it will go to the House, and the amendments which the Senator from Centre desires to offer can be offered in the House, and a conference committee can be appointed.

Now a word about the bill: This bill is supposed to be a rival bill to that introduced by the Senator from Beaver, Mr. Batchelor and the Republican caucus decided they would report out both bills and send them both over to the House. The only thing I wish to say is that if the Senate and the General Assembly wish any bill of this kind, for local administration of relief, this is the most likely candidate for such success. There is a bill prepared by the Pennsylvania Charities Association, which in all probability will not come out of committee at all. The Batchelor Bill ignores the Governor, and as so many millions of dollars are going through the Governor's hands for relief it is not very human that the Governor will sign that bill which ignores him entirely. This present bill recognizes the Governor in the appointment of the County Board.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17

Batchelor,	Ealy,	Hunsicker,	Pierson,
Bean,	Graff,	Mallery,	Prince,
Chapman,	Homsher,	McClure,	Woodward
Clark,	Howell,	Owlett,	Ziesenheim,
Coyne,			

NAYS—27

Baumer,	Lanius,	Reed	Salus,
Buckman,	Law,	(Dauphin)	Shapiro,
Cavalcante,	McCreesh,	Reed,	Sones,
Frey,	McGinnis,	(Washington)	Thompson,
Gelder,	Miller,	Rice,	(Centre)
Harris,	Norton,	Roberts,	Thompson,
Huffman,	Pytko,	Rodgers,	(Westmoreland)
Kahle,	Rankin,	Rupp,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORTS FROM COMMITTEE

Mr. HUFFMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 983 (House Bill No. 1476), entitled:

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 925, (House Bill No. 1807), entitled:

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted

Also from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 408 (House Bill No. 852), entitled:

An Act to amend section ninety-eight of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," prohibiting the purchase, sale and exposing for sale of certain pike and fillets thereof.

Mr. MALLERY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 165, entitled:

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals, and amending, revising, consolidating, and changing the law relating thereto," as amended, by providing for the revocation and denial of hunting licenses for certain acts.

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN from the Committee on Forests and Waters reported as amended, Senate Bill No. 563, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters, with the advice of the Bushy Run Battlefield Commission, of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried, as well as other portions of said battlefield; and making an appropriation.

Also from the Committee on Game and Fisheries reported as committed, Senate Bill No. 992 (House Bill No. 1806), entitled:

An Act to further amend section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on Judiciary General reported as committed, Senate Bill No. 895, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records, provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Judiciary General reported as committed, Senate Bill No. 179, entitled:

An Act to amend clause (A), section two of an act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rent, leases, extinguishment of ground rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not yet been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual, or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refused to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary powers is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," as amended by an act, approved the second day of May, one thousand nine hundred and nineteen (P. L. 111), extending the provisions of said act to cases where real estate is held by the surviving tenant of an estate by entireties, whose spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

Also from the Committee on Judiciary General reported as committed, Senate Bill No. 735, entitled:

An Act to amend sections nine and fifteen of the act, approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," reducing the amount required to be paid by the person redeeming lands sold at tax sale.

Also from the Committee on Judiciary General reported as committed, Senate Bill No. 736, entitled:

An Act to amend section four of the act approved the thirteenth day of March, one thousand eight hundred and fifteen (P. L. 177), entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes, and for other purposes,'" by reducing the amount required to be paid by the person redeeming unseated lands sold at tax sale.

Also from the Committee on Judiciary General reported as committed, Senate Bill No. 737, entitled:

An Act to amend section one of the act approved the third day of April, one thousand eight hundred and sixty-two (P. L. 228) entitled "An act supplementary to the several acts of this Commonwealth for the sale of Unseated Lands," by reducing the amount required to be paid by the person redeeming such lands under certain circumstances.

Also from the Committee on Judiciary General reported as committed, Senate Bill No. 738, entitled:

An Act to amend section three of the act approved the ninth day of March, one thousand eight hundred and forty-seven (P. L. 279), entitled "An act supplementary to acts relating to recording of deeds," by reducing the amount required to be paid by joint tenants, tenants in common or co-partners of unseated lands in redeeming such lands sold at tax sale.

Mr. NORTON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON from the Committee on Judiciary General reported as committed, Senate Bill No. 300, entitled:

An Act providing that parties furnishing material, supplies, fixtures, or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics' liens therefor.

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Game and Fisheries reported as committed, Senate Bill No. 1046 (House Bill No. 1885), entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

Also from the Committee on Forests and Waters reported as amended, Senate Bill No. 591 (House Bill No. 927), entitled:

An Act to preserve the purity of the waters of the Commonwealth and to avoid the danger of fire by requiring the owners operators and lessees of abandoned bituminous coal mines and working to seal the entries and air shafts thereof and conferring powers upon the Department of Mines to carry into effect the provisions of htis act.

Mr. GRAFF. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GRAFF from the Committee on Banking reported as committed, Senate Bill No. 888, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositories for State deposits.

Also from the Committee on Banking reported as committed, Senate Bill No. 890, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

Mr. BENNETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. If there objection? The Chair hears none.

Mr. BENNETT from the Committee on Forests and Waters reported as committed, Senate Bill No. 745 (House Bill No. 1093), entitled:

An Act to amend section five of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream, artificial or natural body of water, or nontidal water of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties;" as added changing the licensure year for motor boats.

Also from the Committee on Game and Fisheries reported as committed, Senate Bill No. 991 (House Bill No. 1699), entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor.

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Banking reported as committed, Senate Bill No. 876, entitled:

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (P. L. 9), entitled "An act relating to banks trust companies savings banks and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period.

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Judiciary General reported as committed, Senate Bill No. 610, entitled:

An Act to carry into effect section eleven of article one of the Constitution of the Commonwealth of Pennsylvania by designating the manner, the courts and the cases in which suits may be brought against the Commonwealth; defining the procedure in such cases, and providing for the payment of judgment interest and cost by the Commonwealth.

Also, from the Committee on Judiciary General reported as committed, Senate Bill No. 953, entitled:

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended, making possible the concurrent sentencing of persons convicted of more than one offense in certain cases.

Mr. PRINCE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PRINCE, from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 263 (House Bill No. 195), entitled:

An Act to further amend section seven hundred-four of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled

"An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," prohibiting the use of dogs in hunting bear or the chasing of bear by dogs.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS, from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 957, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class; providing for the organization of a board for superintending and managing the drawing and selecting of jurors, and prescribing its powers and duties; conferring powers and imposing duties and liabilities on the sheriff; imposing duties on registration commissions; and prescribing penalties.

Mr. RICE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 241, entitled:

An Act to amend section four hundred and two of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," as amended; regulating the issuance of special licenses to taxidermists.

Mr. RUPP. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP, from the Committee no Judiciary General reported as committed, Senate Bill No. 248, entitled:

An Act to further amend section five of the act, approved the ninteenth day of April, one thousand nine hundred and one (P. L. 88), entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," providing that no affidavit of defense shall be required before the return day of the writ.

BILLS INTRODUCED

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, read in place and presented to the Chair, Senate Bill No. 1054, entitled:

An Act to amend the title and section one of the act approved the twenty-ninth day of June nineteen hundred twenty-three (P. L. 973), entitled "An act providing for the payment by counties of expenses incurred by the district attorney, and making such expenses a part of the costs of the case where the defendant is convicted," by extending the provisions thereof relating to the payment of certain costs by defendants, to acquitted defendants on whom costs are imposed by the petit jury.

Which was committed to the Committee on County Government.

Mr. COYNE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE read in place and presented to the Chair, Senate Bill No. 1055, entitled:

An Act making an appropriation for the preparation of the eightieth Division History, and creating a commission for such purposes.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair, Senate Bill No. 1056, entitled:

An Act relating to tennis on Sunday in cases where an admission is charged; permitting tennis on Sunday for which an admission is charged during certain hours, and providing for the licensing of exhibitions of tennis where an admission charge is made.

Which was committed to the Committee on Law and Order.

Also read in place and presented to the Chair, Senate Bill No. 1057, entitled:

An Act to amend the act approved the twenty-sixth day of April one thousand nine hundred and thirty-three (P. L. 89), entitled "An act authorizing any city of the second class in this Commonwealth to sell or dispose of its interest in property condemed for public park or for any public use to the holder of the reversionary interest when the property is no longer needed for park purposes or for said public use," so as to authorize any such city to sell or otherwise dispose of to any person, firm or corporation the whole or part of any property acquired by it by condemnation or by purchase for a public park or playground or for any other public use, when the property to be sold or otherwise disposed of is no longer needed for park or playground purposes or for any other public use.

Which was committed to the Committee on Municipal Government.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT The time of recess having elapsed, the Senate will be in order.

COMMITTEE MEETING

Mr. HUNSICKER. Mr. President, I move that the Committee on Agriculture be given permission to sit during this Session.

Mr. HARRIS. Mr. President, I second the motion.

The motion is agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. NORTON. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HOWELL. Mr. President, I second the motion

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 165, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals, and amending, revising, consolidating, and changing the law relating thereto," as amended, by providing for the revocation and denial of hunting licenses for certain acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeable to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 179, entitled:

An Act to amend clause (a) section two of an act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388), entitled, "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever, by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders exocutory devices or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non composmentis have removed out of the State have died refused to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" as amended by an act approved the second day of May one thousand nine hundred and nineteen (P. L. 111) extending the provisions of said act to cases where real estate is held by the surviving tenant of an estate by entireties whose spouse has been absent and unheard from the seven years under those circumstances from which the law would presume his or her decease.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 241, entitled:

An Act to amend section four hundred and two of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," as amended; regulating the issuance of special licenses to taxidermists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 249, entitled:

An Act to further amend section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88), entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," providing that no affidavit of defense shall be required before the return day of the writ.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 263 (House Bill No. 195), entitled:

An Act to further amend section seven hundred four of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the use of dogs in hunting bear or the chasing of bear by dogs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 300, entitled:

An Act providing that parties furnishing material, supplies, fixtures, or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics' liens therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 408 (House Bill No. 352), entitled:

An Act to amend section ninety-eight of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the purchase sale and exposing for sale of certain pike and fillets thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 563, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters, with the advice of the Bushy Run Battlefield Commission, of lands adjacent

to and including the place where fifty soldiers killed in the battle of Bushy Run are buried, as well as other portions of said battlefield; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 591 (House Bill No. 927), entitled:

An Act to preserve the purity of the waters of the Commonwealth and to avoid the danger of fire by requiring the owners operators and lessees of abandoned bituminous coal mines and working to seal the entries and air shafts thereof and conferring powers upon the Department of Mines to carry into effect the provisions of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 603, entitled:

An Act to amend section six of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 857), entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections, and their enrollment as members of political parties as a further condition of their right to vote at primaries, in cities of the first class of this Commonwealth, by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein; defining the jurisdiction of said commissions, and the powers and duties of the commissioners constituting same, and of their appointees, including registrars, inspectors of registration, clerks, and counsel, fixing their qualifications, terms of office, and compensation; granting them certain immunity from arrest on registration days; and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence, as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof, to copy or demand a list of the lodgers therein, and to supervise the conduct of registrars; regulating the registration of electors at polling places by registrars, and at the offices of commissions by commissioners, and the right of parties or bodies of electors to have watchers thereat, and the preparation and use of street lists and other records of those registered, allowing the names of persons not entitled to vote to be struck from the registers in certain cases, permitting all records regarding registration to be inspected and copied by any elector under certain conditions; directing how the registers shall be used at elections and primaries; compelling the attendance of witnesses and payment of witness fees; and providing penalties for refusal to obey subpoenas; directing receivers to taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths, sign subpoenas and vouchers, and to collect and disburse witness fees; prescribing a method for challenging persons applying for registration, and the procedure for the correction of registers, and for appealing from actions of registrars to said commissions; and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas; imposing certain duties upon election officers and upon the councils, treasurers, controllers, receivers of taxes, police officers, and other officials of said cities and upon the courts, judges, prothonotaries, sheriffs, commissioners, peace officers, and other officials of the judicial districts and counties in which said cities are situated of with which they are coextensive; legalizing certain acts required hereby if done on any Sunday or legal holiday; requiring said cities to provide for the maintenance of said commissions, and the compensation of their appointees, and the payment of all expenses necessary to carry out the provisions of this act, and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions; punishing and fixing penalties for violations hereof; and repealing all legislation inconsistent herewith," changing the qualifications of persons to be appointed as registrars.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 610, entitled:

An Act to carry into effect section eleven of article one of the Constitution of the Commonwealth of Pennsylvania by designating the manner, the courts, and the cases in which suits may be brought against the Commonwealth; defining the procedure in such cases, and providing for the payment of judgment interest and cost by the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 735, entitled:

An Act to amend sections nine and fifteen of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," reducing the amount required to be paid by the person redeeming lands sold at tax sale.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 736, entitled:

An Act to amend section four of the act approved the thirteenth day of March, one thousand nine hundred and fifteen (P. L. 177), entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes, and for other purposes,'" by reducing the amount required to be paid by the person redeeming unseated lands sold at tax sale.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 737, entitled:

An Act to amend section one of the act approved the third day of April, one thousand eight hundred and sixty-two (P. L. 228), entitled "An act supplementary to the several acts of this Commonwealth for the sale of Unseated Lands," by reducing the amount required to be paid by the person redeeming such lands under certain circumstances.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 738, entitled:

An Act to amend section three of the act approved the ninth day of March, one thousand eight hundred and forty-seven (P. L. 279), entitled "An act supplementary to acts relating to recording of deeds," by reducing the amount required to be paid by joint tenants, tenants in common or copartners of unseated lands in redeeming such lands sold at tax sale.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 745 (House Bill No. 1093), entitled:

An Act to amend section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal water of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added changing the licensure year for motor boats.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 792 (House Bill No. 1084), entitled:

An Act to amend sections one and two of the supplement approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-one) entitled "A supplement to the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled 'An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' by discontinuing the necessity of securing permits for the erection of certain dams."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 794 (House Bill No. 1383), entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 876, entitled:

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (P. L. 9) entitled "An act relating to bank trust companies savings banks and other banking institutions providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 888, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government, providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties, affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 890, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith," as amended by exempting in certain cases the security required of depositories for school funds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 895, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made

and carried a trust investment solely in its corporate name on the public records, provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 925 (House Bill No. 1807), entitled:

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (P. L 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 953, entitled:

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and re-conviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended, making possible the concurrent sentencing of persons convicted of more than one offense in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 957, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class; providing for the organization of a board for superintending and managing the drawing and selecting of jurors, and prescribing its powers and duties, conferring powers and imposing duties and liabilities on the sheriff; imposing duties on registration commissions; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 983 (House Bill No. 1476), entitled:

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 991 (House Bill No. 1699), entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 992 (House Bill No. 1806), entitled:

An Act to further amend section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1003, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating, repairing, restoring and reconditioning the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society and known as "Old Economy."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1008, entitled:

An Act making an appropriation to the Pittsburgh Home for Babies, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1009, entitled:

An Act making an appropriation to the Children's Hospital of Pittsburgh, in the city of Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1010, entitled:

An Act making an appropriation to the Coleman Industrial Home for Colored Boys, of one thousand seven hundred and twenty-one Bedford Avenue, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1011, entitled:

An Act making an appropriation to the Passavant Hospital, of Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1012, entitled:

An Act making an appropriation to the Pittsburgh Hospital Association, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1013, entitled:

An Act making an appropriation to the Pennsylvania Association for the Blind, Incorporated, at Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1015, entitled:

An Act to amend sections one, seven and eleven of the act, approved the seventh day of February, one thousand nine hundred and six (P. L. 7), entitled "An act to enable cities that are now, or may hereafter be, contiguous or in close proximity, to be united, with any intervening land other than boroughs, in one municipality; providing for the consequences of such consolidation, the temporary government of the consolidated city, payment of the indebtedness of each of the united territories, and the enforcement of debts and claims due to or from each,' by requiring a majority vote in each city and in the intervening land voting on the question of consolidation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1037, entitled:

An Act making an appropriation for the purpose of reimbursing county treasuries for moneys refunded or to be refunded to owners of liquor licenses in accordance with the provisions of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 1052), entitled "An act providing for the refunding of retail liquor license fees and additional taxes to holders of licenses to sell vinous, spirituous, malt or brewed liquors, or any admixture thereof, or intoxicating liquor, where the act of Assembly under the authority of which such licenses were granted has been repealed by the General Assembly of one thousand nine hundred and twenty-three prior to the expiration of the license year for which such licenses were issued; providing for the payment of such refund in certain cases by the county in which such license was granted, and the repayment to such county by the city, borough, township, and State of respective shares of such refund, and for the payment of such refund in certain cases by the State alone; providing the procedure in such cases; and making an appropriation."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1046 (House Bill No. 1885), entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty- five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. HOWELL. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:36 P. M. until Wednesday, April 24, 1935, at 11 o'clock A. M.

HOUSE OF REPRESENTATIVES

TUESDAY, April 23, 1935

The House met at 11:00 a. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Our Father and our God, we come to Thee on this beautiful spring morning. We give to Thee our heartfelt thanks that Thou hast shown new life on every side and we pray that this same new life may enter into our hearts to give us strength and courage, to give us love of our fellowmen. We pray this morning, O Father, that Thou will bless those on beds of sickness and particularly our brother from Westmoreland, Mr. Boyd. If it is Thy will, we pray that Thou will speedily restore him again to health and strength and to his useful place in our midst, and if it is not Thy will, we pray that Thou wilt give him humble submission to Thy Fatherly will Guide us this day in the service that we are to render unto Thee and to our fellowmen that we may give the best that we have in us. We ask it in the Master's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. CARSON the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

METROPLITAN CHARTER

A resolution addressed to Mr. Ruffennach from Carrick Veteran's Fire Association, Pittsburgh, opposing metropolitan charter for Allegheny County.

Referred to the Committee on Cities.

POOR DIRECTORS

Resolutions from
Township Commissioners of Newville Township Allegheny County;
Mt. Lebanon Township Board of School Directors, Allegheny County,
protesting passage of Senate Bill No. 204 and House Bill No. 660.

Referred to the Committee on Counties.

BLUE LAWS

Resolutions from
German Beneficial Union of Pittsburgh:
German Soldiers Association, Pittsburgh:
addressed to Mr. Ruffennach, urging passage of House Bills Nos 426 and 427.

Referred to the Committee on Law and Order.

A resolution from the Lancaster Federation of Men's Bible Classes protesting amendment to Blue Laws.

Referred to the Committee on Law and Order.

ALLOCATION OF HIGHWAY FUND

Fifty-six petitions from residents of Pennsylvania, urging passage of House Bill No. 977.

Referred to the Committee in Highways.

The SPEAKER. The Chair laid before the House the following communication addressed to Mr. Carson which was read by the Clerk:

Charleroi, Pa.,
April 17, 1935.

Dear Mr. Carson:

You and your colleagues deserve the plaudits of your home area for the manner in which you have maintained and carried out your promises to our downtrodden masses.

Sincerely,
(Signed) Leo. B. Schoener.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 678.

An Act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" as amended abolishing imprisonment for failure to pay taxes

HOUSE BILL No. 1459.

An Act to further amend sections one and two and to add sections two A two B two C and two D to the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred) entitled "An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" providing standards for fresh eggs and prohibiting illegal sales and misbranding

HOUSE BILL No. 1788.

An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Departments thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by changing the names of the State Association and training schools for nurses

HOUSE BILL No. 1789.

An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-eight) entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" by changing qualifications for registration the publishing of a list of registrants and fixing penalties

Whereupon,

The Speaker, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate of Pennsylvania, April 8, 1935.

Resolved, (if the House of Representatives concur), That the Legislative Committee on Finances authorized to be appointed pursuant to a Concurrent Resolution, approved April 30, 1929, P. L. 1816, and continued pursuant to a Concurrent Resolution approved April 22, 1931, P. L. 1426, and further continued by Resolution of April 28, 1933, P. L. 1551, to devise ways and means of financing the Commonwealth, is hereby continued for a further period of two years, and shall make further report of their recommendations to the General Assembly of 1935.

Any vacancy existing on said Committee for any cause shall be filled by appointment of a Senator or a Member of the House of Representatives, by the President Pro Tempore or the Speaker, as the case may be.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Ways and Means.

REPORTS FROM COMMITTEES

Mr. WEISS, from the Committee on Judiciary General reported as committed, House Bill No. 2030, entitled:

An Act to amend the act approved the twenty-eighth day of April, one thousand eight hundred eighty-seven (Pamphlet Laws sixty-three), entitled "An act in relation to the imprisonment, government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" by revising and changing the method of paroling inmates from the Pennsylvania Industrial School and for their final discharge.

Mr. OMINSKY, from the Committee on Judiciary General reported as committed, House Bill No. 1524, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

Mr. BURKE, from the Committee on Judiciary General, reported as committed, House Bill No. 57, entitled:

An act revising and consolidating the laws relating to the time for filing reports of viewers to continuances to final confirmation of such report or portions thereof where no exceptions are filed or appeals taken or reviews asked for, and to the collection of damages in such proceedings.

Mr. SCANLON, from the Committee on Highways, reported as committed, House Bill No. 2485, entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction; authorizing agreements with boroughs, counties and public service companies; and making an appropriation.

Mr. TRONZO, from the Committee on Judiciary General reported as committed, House Bill No. 1147, entitled:

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and or records, or portions thereof, under circumstances of poverty, and providing penalties for falsehood in applying for the benefits thereof.

Mr. McCREARY, from the Committee on Agriculture reported as committed, House Bill No. 2324, entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained, from rabies, where there is no proof of such livestock having been bitten by dogs.

Mr. HOFFNER, from the Committee on Agriculture reported as amended, House Bill No. 968, entitled:

An Act prohibiting certain persons from being interested in the manufacture or sale of machinery, equipment, materials, feed, supplies or other things used by milk producers and prescribing penalties.

Mr. TAHL, from the Committee on Judiciary General reported as amended, House Bill No. 1947, entitled:

An Act to amend clause (b) of section twenty-three of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeitures of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," as amended; extending the period for a surviving spouse to elect to take under or against a will in case a will is contested.

Mr. SOWERS, from the Committee on Judiciary General reported with a negative recommendation, House Bill No. 1612, entitled:

An Act relating to the defense of alibi in criminal prosecutions.

Mr. MERRELL, from the Committee on Agriculture reported as committed, House Bill No. 1072, entitled:

An Act to amend section one, paragraphs thirteen and fourteen of section five, and section seven of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," regulating the holding and vote of common stock of cooperative agricultural associations by similar corporations or associations.

Mr. ZAPPALA, from the Committee on Judiciary General reported as committed, House Bill No. 2085 (Senate Bill No. 560), entitled:

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens one to be known as the general judgment or lien index or docket and the other to be known as the in rem judgment or lien index or docket.

Mr. ALEXANDER, from the Committee on Highways reported as committed, House Resolution No. 129.

SPECIAL ORDERS ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The hour of 11:30 having arrived the Chair lays before the House the Special Orders fixed for this hour.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2264 (Senate Bill No. 840), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker and members of the House, the bill before you, Senate Bill No. 840, and the three following bills are the bills known as the transfer fund bills.

I cannot help but direct the attention of this House, and particularly of my Republican colleagues, to the fact that the substance of these bills enamated on April 8, two weeks ago, from the Republican Steering Committee of this House and was developed in that committee through the careful study and great expenditure of time and effort of the gentleman from Philadelphia, Mr. Blumberg. As a result of his thinking ahead and realizing that a situation would arise, on the fifteen of April he spent a great deal of time in finding funds that were available for transfer to meet the emergency and, as the result of that, every possible effort was made, after the gentleman from Philadelphia, Mr. Blumberg, introduced House Bills 1982-3-4 and 5, to get this House to report these bills out of committee and to get this House to enact them into law prior to the 15th of April 1935, so that there would be no gap remaining in the unemployment relief situation.

These bills that have come over from the Senate are duplicates of the bills that were introduced by the Republican party in this House. These bills were designed in order to be introduced in this House and were followed in the Senate by the very bills before you, in order to provide the necessary monies to preclude the cessation of unemployment relief.

On the same night there was introduced in this House a resolution on behalf of the Republican party for the consideration of this House, in order that the House and the Senate might speedily advise the Federal government and the people that we were for these bills. The passage of the bills was decried by the Democratic majority of this House. We were told that it was illegal so to do; we were told that these transfer bills were illegal and could not be passed.

Members of the House, I am not making this statement in the spirit of "I told you so," because I do not believe in so doing, but I do make it in the spirit of asking your unanimous approval of these bills. I do make it in the spirit of directing your attention to the fact that we on this side of the House, though we be in the minority, are ever mindful of the needs of the unemployed of Pennsylvania, that we are ever mindful of the fact that these important problems have to be considered by the majority and the majority.

I direct the attention of my opponents in this House of the Democratic party to the fact that the introduction of these measures by the gentleman from Philadelphia, Mr. Blumberg, was not on account of the election in Montgomery the next day as was charged, but it was purely and simply in the interests of solving a situation as to what the Republican minority thought best at that time and which subsequently turned out to be the only means of solving this problem. On this bill and the other bills I ask that this House vote unanimously in favor of them, in accordance with the resolution that we passed.

Mr. FLINCHBAUGH. Mr. Speaker and members of the House, I want to take this opportunity in explaining my attitude in being one of the few members on Thursday who voted against the resolution to transfer these funds.

I do not think that we are displaying the marks of legislators or statesmen in attempting to bridge this situation by methods of this character, by stop gap legislation. What I think the members of this Legislature ought to do is to acquit themselves like men and face the critical issues which are before them.

I feel that I am as sympathetic for the unemployed as any member of this House. I was not born in the lap of luxury. I happen to be one of the children of a widowed mother, and while we had plenty to eat there were few luxuries, so that I really feel I can sympathize with the people who are on relief today.

In the special session of 1934, I voted against the transfer of Motor License moneys for relief, because I believe that that is a fund which should be kept sacred for a particular purpose, and I want to serve notice on the House now that I and other members of this House believe that the moneys paid into the Motor Fund should be used in the future for the construction of highways out in the rural districts, because that is the most effective form of relief we have in the rural districts. I repeat that we are going to fight to the last ditch any attempt to further divert those moneys which rightfully belong to and should be spent on the highways.

About a week ago I read in one of the great metropolitan papers of this state that neither the Governor nor the Senate had as yet put their finger upon the crucial spot, the spot from which to obtain money for purposes of relief. That editorial went on to say that the moneys should be taken from the Highway Fund. I repeat that any rural member who has a bit of self-respect and who has the interests of his people at heart and the welfare of the rural districts will not stultify himself or herself by voting for any further transfer of Motor License Funds or the normal three cent gasoline gas.

Why don't we face this issue fairly and squarely? Why don't we acquit ourselves like men and stand upon our two feet and vote for the measures that we should vote for and have the intestinal fortitude to place ourselves on record as standing for taxation that is necessary? Although it may be a hard task, although it may spell political doom to support proper tax raising measures, we owe it to ourselves, we owe it to the state, we owe it to the thousands of unemployed and hungry men, women and children in the Commonwealth of Pennsylvania to raise the needed revenue and take the consequences, whatever they may be.

Why temporize, why procrastinate, why put off the evil day when that day has long since passed, when the members of the General Assembly, especially the members across the hall should have done that which their consciences and their judgment and their consideration of good government demanded that they should do—to vote for the necessary tax measures in order that we might have efficient relief in the Commonwealth of Pennsylvania.

If I vote for the transfer of funds, I do it only with the greatest reluctance and in view of the fact that the lives of the citizens of the Commonwealth of Pennsylvania far transcend any other consideration before this General Assembly.

Mr. REISING. Mr. Speaker and members of the House, I have said little on the floor of the House with respect to these different measures that have confronted us, but I cannot keep quiet at this time due to the fact that the transferring of funds does not offer a permanent remedy. We are playing the part of the ostrich. When he sees a storm coming his way he buries his head in the sand, and we are burying our heads in these different funds instead of raising the money by the regular and proper process to relieve a situation that will have to be met, if not now then at some future time. The longer we wait, the harder the job will be. It is with great reluctance that I am supporting these measures, and I want it distinctly understood that it is not because of where the plan originated to relieve the situation in this manner. So, therefore, I would say that we are devoid of considerable courage not to face this issue, as men should face a real problem, but on the strength of the fact that it is the humane thing to do under the present circumstances, I will support the measure as much as I dislike to do it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—173

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shortz,
Arnold,	Falkenstein,	McDermott,	Shreiner,
Atkins,	Ferko,	McDevitt,	Shugarts,
Aukerman,	Finnerty,	McElroy,	Simon,
Baine,	Fitch,	McHenry,	Simpson,
Baker, F. T.,	Flanagan,	McKinney,	Sinwell,
Baker, J J.,	Flinchbaugh,	Melchiorre,	Snyder, F. E.,
Barber,	Forrest,	Mentzer,	Snyder, J. L.,
Barnhardt,	Furman,	Merrell,	Sowers,
Bernhard,	Green,	Mooney,	Spangler,
Blumberg,	Greenstein,	Moore,	Sproul,
Boone,	Habbyshaw,	Muir,	Stank,
Boyd, R.,	Haberlen,	Munley,	Stewart,
Boyer,	Hagerty,	Nagel,	Stockham,
Bradley,	Haluska,	Nothnagle,	Stone,
Brancato,	Hamilton, F. P.,	O'Keefe,	Stott,
Brennan,	Hamilton, R. S.,	Ominsky,	Surface,
Brown, H. S.,	Harkins,	O'Neill,	Tahl,
Brown, J. E.,	Harmuth,	Panton,	Tronzo,
Brownfield,	Hart,	Parks,	Trout,
Brumbaugh,	Hartman,	Patterson, C.,	Tumelty,
Burke,	Hefferon,	Patterson, J. W.,	Van Allsburg,
Cannon,	Hermansen,	Pearson,	Van Sickle,
Caputo,	Hindman,	Peters,	Walker,
Carson,	Hirsch,	Pfaff,	Wall,
Castor,	Hoffner,	Phillips,	Wasserman,
Chervenak,	Holstrom,	Piole,	Weidemann,
Coakley,	Hoopes,	Powers,	Welliver,
Cochran,	Horst,	Reising,	Welsh,
Cohen,	Jackson,	Reynolds,	Westrick,
Coleman,	Jones,	Rhys,	White,
Condon,	Kane,	Rinn,	Wickersham,
Conner,	Kelder,	Roan,	Wilson,
Coolahan,	Kelso,	Robinson,	Winner,
Cordier,	Kilroy,	Rooney,	Witkin,
Davies,	Kinney,	Ruffennach,	Wood,
Decker,	Klingler,	Ruth,	Woodside,
Denning,	Kobelak,	Sarraf,	Yeakel,
Diehl,	LaRue,	Scanlon,	Yourishin,
Dilley,	Linderman,	Schrock,	Zappala,
Downey G. E.,	Long,	Schrope,	Zimmerman,
Downey, J. J.,	Longaker,	Schwartz,	Sarig,
Duffort,	Lovett,		

NAYS—15

Allen,	Gerard,	Male,	Siegel,
Altenburg,	Hetrick,	Moran,	Stevens,
Dent,	Holland,	Murrin,	Sumney,
Gates,	Lynch,	Schwab,	Weiss,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

REASONS FOR VOTE

Mr. BURKE. Mr. Speaker, I am voting "aye" and desire to file my reasons for so doing.

Although I am opposed in principle to this bill and to all the transfer bills for the reason that a tax program providing for the unemployed should have been passed and would have made the transfer bills unnecessary, I am voting "aye" only for the purpose of providing food and shelter for the starving people of the Commonwealth.

Mr. McCREARY. Mr. Speaker, I am voting "aye" and desire to file my reasons for so doing.

I am voting "aye" because of the necessity of funds and there being no other source available at the present time.

Mr. MELCHIORRE. Mr. Speaker, I am voting "aye" and desire to file my reasons for so doing.

In principle I am opposed to the McClure Bills transferring funds from the Motor Vehicle Fund to the General Fund. But I am voting "aye" because the unemployed must be fed and clothed during the next month.

Mr. RUFFENNACH. Mr. Speaker, I am voting "aye" and desire to file my reasons for so doing.

In voting "aye" on Senate Bills Nos. 840-841-842- and 843—House Bills Nos. 2264-2265-2266 and 2267, I desire to file my reasons:—

Since the Republican Senate has failed to enact the twenty-two point program of the Governor for relief purposes or any part thereof, and since no program suitable or adequate has been offered as a substitute for the Governor's program by the minority party in the House, or the majority party of the Senate and since no Federal Relief Funds will be forthcoming unless the above bills be enacted into law and whereas this is not a matter of choice but a matter of emergency, otherwise the people of our state will go hungry, and believing human rights are and should be above all other rights, I vote "aye" on these bills temporarily transferring funds for relief purposes.

Mr WEISS. Mr. Speaker, I am voting "no" and desire to file my reasons for so doing.

I desire to vote "no" for Senate Bill 840—House Bill 2264.

(2) Senate Bill 841—House Bill 2265

(3) Senate Bill No. 842—House Bill No. 2266

(4) Senate Bill No. 843—House Bill No. 274

for the reason that we (constitutionally) have no right or authority to transfer moneys from special funds set aside to take care of certain interests—for instance, highways, municipalities, insurance fund, and so forth.

Further, this money is allocated to many municipalities who have already prepared their budgets in anticipation receiving moneys from these special funds. The transfer of these moneys will serve no useful purpose, but is only an attempt by the Republican party to shirk its duties in the passage or approval of the Governor's 21 point program—a great deal of which is designed to take care of unemployment relief. It is also a means by which the Republican party has avoided in offering a substitute program to take care of unemployment relief—and the enactment of the above measures will only prolong the misery and suffering of thousands of our unfortunate citizens.

I therefore desire to be recorded as voting "no".

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2265 (Senate Bill No. 841), entitled:

An Act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—167

Achterman,	Finnerty,	McElroy,	Shugarts,
Alexander,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, J J.,	Gillette,	Merrell,	Smith, J. A.,
Barber,	Habbyshaw,	Mooney,	Smith, W. G.,
Bernhard,	Haberlen,	Moore,	Snyder, F. E.,
Blumberg,	Hagerty,	Munley,	Snyder, J. L.,
Boyd, R.,	Haluska,	Nagel,	Sowers,
Boyer,	Hamilton, F. P.,	Nothnagle,	Spangler,
Bradley,	Hamilton, R. S.	O'Keefe,	Sproul,
Brancato,	Harkins,	Ominsky,	Stank,
Brennan,	Harmuth,	O'Neill,	Stewart,
Brown, H. S.,	Hart,	Panton,	Stockham,
Brown, J. E.,	Hartman,	Parks,	Stone,
Brownfield,	Hefferon,	Patterson, C.,	Stott,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tahl,
Burke,	Hindman,	Pearson,	Terry,

Cannon,	Hirsch,	Perry,	Tronzo,
Caputo,	Hoffner,	Peters,	Trout,
Carson,	Holstrom,	Pfaff,	Tumelty,
Castor,	Hoopes,	Phillips,	Turner,
Chervenak,	Horst,	Piole,	Van Sickle,
Coakley,	Jackson,	Reising,	Walker,
Cochran,	Jones,	Reynolds,	Wasserman,
Cohen,	Kane,	Rhys,	Weidemann,
Coleman,	Kelder,	Roan,	Welliver,
Conner,	Kelso,	Robinson,	Welsh,
Coolahan,	Kilroy,	Rooney,	Westrick,
Cordier,	Kinney,	Root,	White,
Davies,	Klingler,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Wilson,
Denning,	LaRue,	Sarraf,	Winner,
Diehl,	Linderman,	Scanlon,	Witkin,
Dilley,	Long,	Schrock,	Wood,
Downey, G. E.,	Longaker,	Schrope,	Woodside,
Downey, J. J.,	Lovett,	Schwartz,	Yeakel,
Duffort,	Mason,	Shaw,	Yourishin,
Eberharter,	McCreary,	Shortz,	Zappala,
Falkenstein,	McDermott,	Shreiner,	Sarig.
Ferko,	McDevitt,		

NAYS—21

Allen,	Gerard,	Moul,	Stevens,
Altenburg,	Hetrick,	Muir,	Sumney,
Andrews,	Holland,	Murrin,	Surface,
Dent,	Lynch,	Rinn,	Van Allsburg,
Flinchbaugh,	Male,	Schwab,	Wall,
Gates,	Moran,	Siegel,	Weiss,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

REASONS FOR VOTE

Mr. POWERS. Mr. Speaker, I am voting "aye" and desire to file my reasons for so doing.

My reason for voting "aye" is because we need the money at once. This plan is only a makeshift, and does not or will not bring in the revenue we need, which can only come about by puting the tax burden upon these who are able to pay it.

Mr. SURFACE. Mr. Speaker, I am voting "no" and desire to file my reasons for so doing.

I am voting "no" on this Bill to transfer money from the Motor License Fund for two reasons:

(A) I have a Bill (H. B. 244) in this House providing for a graded reduction of higher salaries of office holders in this State and that would return to the State Treasury over one and one-half million dollars annually. This bill is now being strangled in the Committee on State Government, by Democratic action. If it were brought out and passed this transfer would not be essential.

(B) If the transfer were for work relief on the roads,—to help the rural people,—I would favor it, but without this assurance I can not support the measure.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2266 (Senate Bill No. 842), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—171

Achterman,	Downey, J. J.,	Longaker,	Sarraf,
Alexander,	Duffort,	Lovett,	Scanlon,
Arnold,	Eberharter,	Mason,	Schrock,
Atkins,	Eroe,	McCreary,	Schrope,
Aukerman,	Falkenstein,	McDermott,	Schwartz,
Baine,	Ferko,	McDevitt,	Shaw,
Baker, F. T.,	Finnerty,	McElroy,	Shepard,
Baker, J. J.,	Fitch,	McHenry,	Shortz,
Baldi,	Flanagan,	McKinney,	Shreiner,
Barber,	Flinchbaugh,	Melchiorre,	Shugarts,
Barnhardt,	Forrest,	Mentzer,	Simon,
Bernhard,	Furman,	Merrell,	Sinwell,
Blumberg,	Gillette,	Mooney,	Sloan,
Boose,	Green,	Moore,	Sproul,
Boyd, R.,	Greenstein,	Muir,	Stank,
Boyer,	Haberlen,	Munley,	Stewart,
Bradley,	Hagerty,	Nagel,	Stockham,
Brancato,	Haluska,	Nothnagle,	Stone,
Brennan,	Hamilton, F. P.,	O'Keefe,	Stott,
Brown, H. S.,	Hamilton, R. S.,	Ominsky,	Surface,
Brown, J. E.,	Harkins,	O'Neill,	Tahl,
Brownfield,	Harmuth,	Panton,	Tronzo,
Brumbaugh,	Hart,	Parks,	Tumelty,
Burke,	Hartman,	Patterson, C.,	Turner,
Cannon,	Hefferon,	Patterson, J. W.,	Walker,
Caputo,	Hermansen,	Pearson,	Wasserman,
Carson,	Hirsch,	Perry,	Weidemann,
Castor,	Hoffner,	Peters,	Welliver,
Chervenak,	Holstrom,	Pfaff,	Welsh,
Coakley,	Hoopes,	Phillips,	Westrick,
Cochran,	Horst,	Piole,	White,
Cohen,	Jackson,	Powers,	Wickersham,
Coleman,	Jones,	Reising,	Wilson,
Condon,	Kane,	Reynolds,	Winner,
Conner,	Kelder,	Rhys,	Witkin,
Coolahan,	Kelso,	Rinn,	Wood,
Cordier,	Kilroy,	Roan,	Woodside,
Davies,	Kinney,	Robinson,	Yeakel,
Decker,	Klingler,	Rooney,	Yourishin,
Denning,	Kobelak,	Root,	Zappala,
Diehl,	LaRue,	Ruffennach,	Zimmerman,
Dilley,	Linderman,	Ruth,	Sarig,
Downey, G. E.,	Long,		

NAYS—21

Allen,	Hetrick,	Moul,	Sumney,
Altenburg,	Hindman,	Murrin,	Van Allsburg,
Andrews,	Holland,	Schwab,	Van Sickle,
Dent,	Lynch,	Siegel,	Wall,
Gates,	Male,	Stevens,	Weiss,
Gerard,	Moran,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2267 (Senate Bill No. 843), entitled:

An Act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Duffort,	Mullen,	Shepard,
Alexander,	Eberharter,	Mason,	Shortz,
Altenburg,	Eroe,	McCreary,	Shreiner,
Arnold,	Falkenstein,	McDermott,	Shugarts,
Atkins,	Ferko,	McDevitt,	Simon,
Aukerman,	Finnerty,	McElroy,	Simpson,
Baine,	Fitch,	McHenry,	Sinwell,
Baker, F. T.,	Flanagan,	McKinney,	Sloan,
Baker, J. J.,	Flinchbaugh,	Melchiorre,	Snyder, F. E.,
Baldi,	Forrest,	Mentzer,	Snyder, J. L.,
Barber,	Furman,	Merrell,	Sowers,
Barnhardt,	Gillette,	Mooney,	Spangler,
Bernhard,	Green,	Moore,	Sproul,
Blumberg,	Greenstein,	Muir,	Stank,
Boose,	Habbyshaw,	Munley,	Stewart,
Boyd, R.,	Haberlen,	Nagel,	Stockham,
Boyer,	Hagerty,	Nothnagle,	Stone,
Bradley,	Haluska,	O'Keefe,	Stott,
Brancato,	Hamilton, F. P.,	Ominsky,	Surface,
Brennan,	Hamilton, R. S.,	O'Neill,	Tahl,
Brown, H. S.,	Harkins,	Panton,	Terry,
Brown, J. E.,	Harmuth,	Parks,	Tronzo,
Brownfield,	Hart,	Patterson, C.,	Trout,
Brumbaugh,	Hartman,	Patterson, J. W.,	Tumelty,
Burke,	Hefferon,	Pearson,	Turner,
Cannon,	Hermansen,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wasserman,
Castor,	Holstrom,	Piole,	Weidemann,
Chervenak,	Hoopes,	Powers,	Welliver,
Coakley,	Horst,	Reising,	Welsh,
Cochran,	Jackson,	Reynolds,	Westrick,
Cohen,	Jones,	Rhys,	White,
Coleman,	Kane,	Rinn,	Wickersham,
Condon,	Kelder,	Roan,	Wilson,
Conner,	Kelso,	Robinson,	Winner,
Coolahan,	Kilroy,	Rooney,	Witkin,
Cordier,	Kinney,	Ruffennach,	Wood,
Davies,	Klingler,	Ruth,	Woodside,
Decker,	Kobelak,	Sarraf,	Yeakel,
Denning,	LaRue,	Scanlon,	Yourishin,
Diehl,	Linderman,	Schrock,	Zappala,
Dilley,	Long,	Schrope,	Zimmerman,
Downey, G. E.,	Longaker,	Schwartz,	Sarig,
Downey, J. J.,	Lovett,	Shaw,	

NAYS—18

Allen,	Hetrick,	Moran,	Stevens,
Andrews,	Holland,	Moul,	Sumney,
Dent,	Lynch,	Murrin,	Wall,
Gates,	Male,	Schwab,	Weiss,
Gerard,	Moomaw,	Siegel,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

REASONS FOR VOTE

Mr. HOLLAND. Mr. Speaker, I am voting "no" and desire to file my reasons for so doing.

In voting "no" on House bills Numbers 2264, 2265, 2266, and 2267 I have done so because I feel that a transfer of funds shows on the part of the Republican members of the House and Senate a desire to postpone to a future day when these funds must be raised to repay them back. Why fool the unemployed that one is charitable when the issue is being merely being put off.

STATEMENT BY MR. ZIMMERMAN

Mr. Zimmerman asked and obtained unanimous consent to make the following statement:

The statement was read by the Clerk as follows:

April 23, 1935.

Honorable Wilson G. Sarig,
Speaker of the House of Representatives.
My Dear Mr. Speaker:

In view of the recent developments that have taken place in the Liquor Control Investigation, I find myself unable to remain as a Republican member of the House Committee appointed by the Honorable Speaker, February 5, 1935, for the purpose of investigating the Liquor Control Board of the Commonwealth of Pennsylvania.

This resignation is submitted without comment as to the activities of any member, or group of members, now serving on this Committee.

Respectfully,

WEZ:SS WILLIAM ELLIS ZIMMERMAN.

The SPEAKER. The resignation will be noted in the Journal and printed in the Legislative Journal.

RESOLUTION No. 32.

Mrs. WILSON. Mr. Speaker, I desire to call up at this time Resolution No. 32, Printer's No. 661.

The resolution was read by the Clerk as follows:

In the House of Representatives, January 28, 1935.

Whereas, Under present law practically every measure for the advancement of the interests of the workers must be acted upon and passed in each of the forty-eight states with the possibility that the United States Supreme Court may declare said legislation in whole or in part unconstitutional and

Whereas, In order to abolish this condition, there is being advocated an amendment to the Constitution of the United States known as the "Workers' Rights Amendment which is defined hereinafter" which if adopted would permit Congress and the several states to enact social welfare legislation and which reads as follows

"Article XX

Section 1. The Congress shall have power to establish uniform laws throughout the United States to regulate, limit and prohibit the labor of persons under eighteen years of age, to provide for the relief of aged, invalided, sick and unemployed wage earners and employes in the form of periodical grants, pensions, benefits, compensation or indemnities from the public treasury, from contributions of employers, wage earners, and employes, or from one or more of such sources, and generally for the social and economic welfare of the workers in the United States.

Section 2. The power of the several states to enact social welfare legislation is unimpaired by this article, but no such legislation shall supersede, abridge or conflict with any act of Congress under this article," therefore be it

Resolved, (if the Senate concur), That the Legislature of Pennsylvania endorses such proposed amendment to the Constitution of the United States and urges upon the Members of the House of Representatives and the Senate of the United States the passage of the same; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of the Commonwealth to each Member of the House of Representatives of the United States from Pennsylvania, and to each of the two United States Senators from Pennsylvania.

On the question,

Will the House adopt the resolution?

The yeas and nays were required by Mrs. WILSON and Mr. HOOPES and were as follows:

YEAS—108

Alexander,	Kelder,	Parks,	Simon,
Andrews,	Kilroy,	Patterson, C.,	Simpson,
Aukerman,	Kinney,	Patterson, J. W.,	Sloan,
Baine,	Kobelak,	Pearson,	Snyder, F. E.,
Baker, J. J.,	Long,	Perry,	Snyder, J. L.,
Bradley,	Longaker,	Phillips,	Spangler,
Brown, H. S.,	Lynch,	Piole,	Stank,
Brumbaugh,	Male,	Powers,	Stevens,
Cannon,	McCreary,	Reising,	Stewart,
Caputo,	McDermott,	Reynolds,	Stockham,
Chervenak,	McElroy,	Rhys,	Stone,
Coakley,	McHenry,	Rinn,	Sumney,

Cohen,	Melchiorre,	Roan,	Tahl,
Coleman,	Merrell,	Robinson,	Tronzo,
Cordier,	Moomaw,	Rooney,	Tumelty,
Downey, J. J.,	Mooney,	Root,	Walker,
Falkenstein,	Moore,	Ruffennach,	Wasserman,
Fitch,	Moran,	Ruth,	Weiss,
Flanagan,	Moul,	Sarraf,	Welliver,
Gates,	Muir,	Scanlon,	Welsh,
Haberlen,	Munley,	Schrope,	Westrick,
Hagerty,	Murrin,	Schwab,	Wilson,
Harmuth,	Nagel,	Shaw,	Yeakel,
Hermansen,	O'Keefe,	Shepard,	Yourishin,
Holland,	Ominsky,	Shortz,	Zappala,
Holstrom,	O'Neill,	Shugarts,	Sarig,
Hoopes,	Panton,	Siegel,	

NAYS—16

Habbyshaw,	Peters,	Stott,	White,
Kelso,	Schrock,	Surface,	Wickersham,
Klingler,	Shreiner,	Terry,	Witkin,
Nothnagle,	Sproul,	Weidemann,	Wood,

So the question was determined in the affirmative and the resolution was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. Van SICKLE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. Van SICKLE. Mr. Speaker, the members of this House have heard the report of the Judiciary General Committee, on House Bill No. 612, with a negative recommendation. This bill relates to the establishment of alibis in criminal prosecutions. It has the endorsement of the Pennsylvania Bar Association and is designed to prevent framed or trumped-up alibis in criminal cases. As such, it merits the support—

POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny, Mr. Eberharter, will state his point of order.

Mr. EBERHARTER. Mr. Speaker, the gentleman who is speaking on the question of personal privilege, is out of order because he is not speaking on a matter pertaining to the integrity of any member of this House.

The SPEAKER. The Chair will read the rule pertaining to the discussion of personal privilege:

"Personal privilege questions are first, those affecting the rights of the House collectively, its safety, dignity, and integrity of its proceedings, and second, the rights, reputations, and conduct of its members, individually, or in their representative capacity only."

The personal privilege question must be confined to the integrity of the members The gentleman from Northampton must confine his remarks to the question of personal privilege.

Mr. Van SICKLE. Mr. Speaker, this bill which has been reported out with a negative recommendation is important in that it gives every member of this house, an opportunity of expressing his views upon a matter of vital importance to the people of the state of Pennsylvania, and each member of this House is entitled to express his opinion, in the form of a vote upon that bill. I therefore ask the Members of this House, to take House Bill No. 612—

POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman from Allegheny, Mr. Eberharter, will state his point of order.

Mr. EBERHARTER. Mr. Speaker, the gentleman from Northampton, Mr. Van Sickle, is not speaking under a question of personal privilege.

The SPEAKER. The Chair feels that the gentleman from Northampton was not speaking strictly under a question of personal privilege The gentleman will confine his remarks to his question of personal privilege. The bill does not come under that question.

Mr. Van SICKLE. Mr. Speaker, it is the duty of every member of this House to express to his constitutents his views upon matters pertaining to legislation vitally affecting his constitutents, and I believe it is the desire of every member of this House to so express to the views which he may hold. House Bill No. 612 gives the opportunity—

POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman from Allegheny, Mr. Eberharter, will state his point of order.

Mr. EBERHARTER. Mr. Speaker, the gentleman, from Northampton, Mr. Van Sickle, seems to be intentionally violating the rulings of the Chair, and the rules of this House, and if he insists, I give warning that I am going to move to expunge from the record his remarks.

The SPEAKER The Chair has already ruled that discussion on the bill does not come under a question personal privilege. The Chair would suggest to the gentleman from Northampton that if he desires to discuss the bill, he may do so if he will make a motion to place it on the calendar, notwithstanding the negative recommendation of the committee, and under such a motion the gentleman can discuss the bill.

Mr. VanSICKLE. Mr. Speaker, it is not my intention to discuss this bill. I was merely calling the attention of the House to the fact that the House ought to be given an opportunity to express itself, and am using as an example House Bill No. 612, which is entirely permissible under the Rules. I do not intend to discuss the merits.

As I have previously stated, it is the duty of every member of this House to express to his constitutents his standing on vital legislation. Sometimes it is impossible in our usual course with bills in Committee to bring forth these bills for the discussion of the members. For example, if they are returned to the House with a negative recommendation. However, the rules of this house permit the members to express their opinion by providing that these bills may be called up by a motion for printing. It is my intention to so call up House Bill No. 612 Monday night and ask the members of this House to give it very earnest consideration.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1522, as follows:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the revival of municipal and other claims by suggestion of nonpayment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

Section 15 Such tax municipal or other claim if filed within the period aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of nonpayment and an averment of default in the form hereinafter provided be filed [in cases of tax claims] either before or after judgment on the scire facias [and in case of other than tax claims after judgment on the scire facias] or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facies was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion of nonpayment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now ..... the claimant by ..... his solicitor suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for nonpayment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment must be signed by the solicitor or chief executive officer of the claimant The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2225, entitled:

An act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

The first, second and third sections were separately read and agreed to, as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections seven hundred and fifteen and eight hundred and seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" are hereby amended to read as follows

Section 715 Appointment of Auditor Whenever proceedings shall be [commenced] had for the purpose of changing the limits of any borough as provided in article four sections four hundred one to four hundred twenty-seven inclusive or in the case of the division of boroughs as provided in article two (d) of this act [and the same shall have been approved by the grand jury to which the application shall have been submitted in all cases where such approval is required the court before entering a decree confirming the same shall appoint an auditor] the court of quarter sessions upon application of any borough township or taxpayer having an interest shall appoint an auditor to adjust the indebtedness and liabilities between the boroughs or boroughs and townships affected as hereinafter provided

Section 807 Officers to be Elected It shall be lawful for the electors of the borough to elect

(a) In boroughs not divided into wards seven councilmen a burgess a high constable an assessor except in

those boroughs where the assessment of property for county purposes under existing laws is made by a county board of assessors or by appointed assessors a tax collector and three auditors or a controller [except in those boroughs where the assessment of property for county purposes under existing laws is made by a county board of assessors or by appointed assessors]

(b) In boroughs divided into wards at least one and not more than three councilmen in each ward to be residents of the ward from which they are elected and chosen by the electors of the ward an assessor in each ward except in those boroughs where the assessment of property for county purposes under existing laws is made by a county board of assessors or by appointed assessors to be chosen by the electors of the ward also a burgess a high constable a tax collector and three auditors or a controller who shall be chosen by the electors of the boroughs at large

Section 2 Article nine of said act is hereby amended by adding thereto after section nine hundred and three two new sections to read as follows

Section 904 Right of Council to Declare Seat of Councilmen Vacant for Failure to Qualify If any person elected or appointed as member of council who has been notified of his election or appointment shall refuse or neglect to qualify as such member of council within ten days next succeeding the beginning of his term of office the remaining members of the borough council may declare his office as member of council vacant

Section 905 Right of Council to Declare Seat of Councilmen Vacant for Failure to Attend Meetings If any person having qualified as member of council shall neglect or refuse to attend two successive regular meetings unless detained by sickness or prevented by necessary absence from the borough or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a member of council the remaining members of the borough council may declare his office as member of council vacant

Section 3 Article eleven of said act is hereby amended by adding thereto after section one thousand one hundred and ten a new section to read as follows

Section 1111 Records Open to Inspection The minute book and other records and documents of every borough shall be open to the inspection of any taxpaper thereof his her or its agent demand therefor

The fourth section was read as follows

Section 4 Sections one thousand and six and one thousand and thirty-five of said act as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred eighteen) are hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law except ordinances establishing grades of streets highways and alleys at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointment of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment of power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employes insolvency of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough Such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To employ certified public accountants by a two-thirds vote of the entire number of councilmen elected

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and of any person committee and commission receiving or expending municipal funds and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof the valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation which shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

On the question,

Will the House agree to the section?

Mr. O'NEILL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 4, on page 4, by placing a bracket in line 25, before the word "except," thus: "["

Amend Section 4, on page 4, by placing a bracket in line 26, after the word "alleys," thus: "]"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question.

Will the House agree to the section as amended?

It was agreed to.

The fifth, sixth and seventh sections were separately read and agred to as follows.

Section 5 Section one thousand and forty-five of said act is hereby amended to read as follows

Section 1045 Balances Due to be Entered as Judgments Any balance in any report of the auditors against any officer of the borough shall constitute a surcharge against such officer as fully as if expressly stated in said report to be a surcharge and the amount of any balance and of any express surcharge shall be entered by the prothonotary as a judgment against such officer and in favor of the borough The clerk of the court of quarter sessions shall certify the amount of every balance or surcharge contained in any such report to the court of common pleas for entry thereof by the prothontary as a judgment Any taxpayer of the borough may enforce the collection thereof for the benefit of the borough by action or execution upon filing in the court of common pleas a bond with one or more sureties conditioned to indemnify the borough from all costs which may accrue in the proceedings undertaken by such taxpayer subject however to all rights of appeal from the report of auditors granted by this act If any person or persons have been or shall be surcharged for an illegal purchase and no fraud or collusion is shown and the surcharge is paid to the borough then the article purchased shall become the property of the person or persons surcharged

Section 6 Section one thousand and forty-seven of said act as amended by section two of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred thirty-five) is hereby further amended to read as follows

Section 1047 Compensation of Auditors Each auditor shall receive five dollars per day for each day necessarily employed in the discharge of his duties to be paid by the borough A day shall consist of not less than five hours in the aggregate

Section 7 Clauses forty-five and forty-six of section one thousand two hundred and two of said act are hereby amended to read as follows

XLV Rooms for Veterans' Posts and Camps Upon application therefor to furnish to each organization composed of veterans of the Civil War veterans of the Spanish-American War veterans of the War with Germany and Austria veterans of any foreign war and sons of veterans a room or rooms in any public building of such [county city or] borough sufficient for the meeting of each of such organizations at least once each month and in the case of municipality owned utilities to furnish service without charge to such rooms and also to buildings occupied by posts camps or veterans of any war in which the United States was engaged

XLVI Care and Erection of Memorials To take charge of care for maintain and keep in good order and repair at the expense of the borough any soldier's monument gun or carriage or similar memorial situate in the borough and not in the charge or care of any person body or organization and not put up or placed by the Government of the United States the Commonwealth of Pennsylvania the commissioners of the county or by the direction or authority of any other State of the Union and to receive from any person or organization any moneys or funds which can be used for the maintenance of such memorials and to expend the same and to erect and provide for the erection of memorials in honor of those who served in any war in which the United States was engaged at a cost not to exceed one thousand dollars ($1,000) and thereafter properly and adequately maintain the same

The eighth section was read as follows:

Section 8 Clause fifty-three of section one thousand two hundred and two of said act as amended by section thirteen of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighty-six) is hereby further amended to read as follows

Section LIII Regulation of Contracts To make contracts or purchases in connection with proper legal requirements of the borough Provided That all contracts or purchases other than purchases for water electric light and other public works of the borough or for improvement made by its employes or where the State or county is a party with the borough to a street improvement made by any borough involving an expenditure of over five hundred dollars ($500) shall be in writing and shall not be made except with and from the lowest responsible bidder after due public notice by the secretary published once a week for three weeks at intervals of seven days in one newspaper published in such borough and if no newspaper is published therein then by publication in one newspaper printed in the county and circulating generally in the borough and such bids shall be received opened and read in open meeting of council at a time fixed by such notice and not earlier than twenty-one days after the first publication thereof

In case of an emergency so declared by the affirmation vote of two-thirds of all the members of said council or a majority of council plus one when the number composing such council is less than nine the notice shall be published at least one week prior to the time fixed therein for opening bids

The acceptance of bids shall only be made by public announcement at the meeting at which bids are received or at a subsequent meeting the time and place of which shall be publicly announced when bids are received If for any reason one or both of the above meetings shall not be held the same business may be transacted at subsequent meetings provided that one week's notice thereof shall be published in the newspaper aforesaid.

The successful bidder when advertising is required herein shall be required to furnish a bond with sufficient surety in the amount of fifty per centum of the amount of the contract within ten days after the contract has been awarded and upon failure to furnish such bond within such time the previous award shall be void

It shall not be lawful for any burgess or member of council of any borough or any officer agent or employe thereof to be in any way interested either directly or indirectly in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of such borough involving the expenditure by the borough of more than ten dollars in any one month or more than one hundred dollars in any year or to receive any reward or gratuity from any person interested in such contract or sale nor shall any such burgess member of council officer agent or employe of any borough be a member of any partnership or a stockholder or officer of any corporation or an agent or employe of any individual partnership or corporation in any way interested in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of or any work to be done for such borough involving the expenditure by the borough of more than ten dollars in any one month or more than one hundred dollars in any year and any person violating these provisions or any of them shall forfeit his office or appointment in such borough and also shall be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars

Provided That on projects intended for unemployment relief no advertising bonds or bids shall be required in

the purchase of materials or second-hand or used machinery but any fraud collusion favoritism or failure to use reasonably good business judgment shall cause any person involved therein to be surcharged with the amount of such purchase and to be subjected to ouster from office

On the question,

Will the House agree to the section?

Mr. HARMUTH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend the Act, on page 10, by placing a bracket in line 18, before the first word "Section", thus: "["

Amend the Act, on page 10, by placing a bracket in line 28, after the word "by", thus: "]"

Amend the Act, on page 11, by placing a bracket in line 1, before the word "its", thus: "["

Amend the Act, on page 11, by placing a bracket in line 28, after the word "aforesaid", thus: "]"

Amend the Act, on page 12, by placing a bracket in line 1, before the word ""The", thus: "["

Amend the Act, on page 12, by placing a bracket in line 28, after the word "a", thus: "]"

Amend the act, on page 13, by placing a bracket in line 1, before the word "misdemeanor", thus: "["

Amend the act, on page 13, by placing a bracket in line 10, after the word "office", thus: "]"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth section was read as follows

Section 9 Section one thousand two hundred and two of said act is hereby amended by adding thereto a new clause to read as follows

LX To enter into contracts with the proper authorities of near or adjacent cities boroughs or townships either for mutual aid or assistance in fire protection or for the furnishing to or receiving from such cities boroughs or townships aid and assistance in fire protection and to make appropriations therefor Provided That in connection with such contracts it shall not be necessary to advertise for bids or receive bonds as required for other contracts under existing law.

On the question,

Will the House agree to the section?

Mr. HARMUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the Act, on page 13, by striking out of line 11, the figure 9, thus: "[9]"

And insert in lien thereof, the figure: "8"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth section was read as follows:

Section 10 Section one thousand three hundred and eleven of said act is hereby amended to read as follows

Section 1311 Exonerations The council of the borough shall at all times make abatements or exonerations for mistakes indigent persons unseated lands et cetera as to it shall appear just and reasonable The secretary of the borough shall enter in a book to be kept for that purpose the names of all persons abated or exonerated together with the reason why the amount of the tax and the date when made and give to the collector a certificate directed to the treasurer stating the nature of the tax and the amount exonerated in order to make settlement accordingly When a tax collector has been exonerated for the collection of certain taxes such action by the borough council shall not in any way have the effect of discharging or limiting the liability of the taxable but all methods of enforcing collection of taxes shall continue as though no exoneration had been made

On the question,

Will the House agree to the section?

Mr. HARMUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the Act, on page 13, by striking out of line 23, the figure 10, thus: "[10]" and insert in lieu thereof, the figure: "9"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eleventh section was read as follows:

Section 11 Article thirteen of said act is hereby amended by adding thereto after section one thousand three hundred and twelve a new section to read as follows

Section 1313 Collection of Occupation Tax from Employer In case any resident or inhabitant of any borough in this Commonwealth neglects or refuses to pay his or her occupation tax as herein provided after having received ten days' notice or demand so to do the collector of such borough taxes shall notify any firm association or corporation where such delinquent taxpayer is employed that such taxpayer has failed or neglected to pay his or her occupation tax as required and such collectors of borough taxes may thereupon request the payment of such occupation tax by such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person firm association or corporation employing any such delinquent taxpayer may deduct from any wages that are then or may thereafter become due and owing to him the amount of such delinquent occupation tax and pay the same over to such collector of borough taxes and the proper receipt for such taxes paid to the tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

On the question,

Will the House agree to the section?

Mr. HARMUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the Act, on page 14, by striking out of line 14, the figure 11, thus: "[11]" and insert in lieu thereof, the figure: "10"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twelfth section was read as follows:

Section 12 Sections two thousand one hundred and twenty and three thousand two hundred and one of said act are hereby amended to read as follows

Section 2120 [Agreements for] Building Joint Sewers (a) Boroughs may [enter into agreements] jointly with other municipalities or townships or both [for the purpose of building] build and construct sewers including trunk line sewers or drains and sewage treatment works [Such agreement shall provide for the joint maintenance of the same] and may connect into such system existing sewers and may assess their respective portions of the cost thereof or so much thereof as may be legally assessable upon property benefited by the improvement either by viewers as is provided in the case of boroughs by section two thousand one hundred and two of this act or by the foot-front rule as provided in sections two thousand one hundred and eight and two thousand one hundred and nine of this act Any portion of the cost of such improvement not assessed or not assessable shall be paid by the respective cities boroughs and townships joining as may be agreed upon

(b) The boroughs cities and townships joining or contemplating joining in any such improvement in order to facilitate the building of the same and securing preliminary surveys and estimates may by ordinance or resolution provide for the appointment of a joint sewer board composed of one representative from each of the boroughs cities and townships joining which shall act generally as the advisory and administrative agency in the construction of such improvement and its subsequent operation and maintenance The members of such board shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed The joint sewer board shall organize by the election of a chairman vice-chairman secretary and treasurer The several boroughs cities and townships may in the ordinances and resolutions creating the joint sewer board authorize the board to appoint an engineer a solicitor and such other assistants as are deemed necessary and agree to the share of the compensation of such persons each borough city and township is to pay The members of the joint sewer board shall receive no compensation but shall be entitled to actual expenses to be paid by the respective boroughs cities and townships which such members represent

(c) The joint sewer board shall have power to adopt rules and regulations to govern its proceedings and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion and the future development of the system so as to confirm to a general plan assured and safeguarded It shall have power to prepare a joint agreement or agreements for submission to and adopted by the several boroughs cities and townships defining the advisory and administrative powers of the board setting forth the consents of the several boroughs cities and townships to the proposed improvement the manner in which preliminary and final plans specifications and estimates for the proposed improvement shall be prepared and adopted how proposals for bids shall be advertised and contracts let the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith and the future cost of operation and maintenance shall be equitably shared apportioned and paid and all such other matters including the preparation and submission of annual and other budgets as may be deemed necessary or required by law to carry the proposed improvement to completion and to assure future maintenance and operation thereof But nothing herein contained shall authorize the board to make any improvement or expend any public moneys which has not first been authorized by all of the boroughs cities and townships proceeding with the improvement

(d) In any case where it shall be necessary to acquire appropriate injure or destroy private property lands property or material to build any such joint sewer improvement and the same cannot be acquired by purchase or gift the right of eminent domain shall vest in the borough city or township where such property is located In any case where it shall be necessary to acquire injure or destroy property in any territory not within the limits of any of the boroughs cities or townships joining in the improvement then the right of eminent domain shall be vested in any borough city or township adjacent to such territory where such property is located Damages for any property taken injured or destroyed shall be assessed as provided by the general laws relating to the boroughs cities and townships exercising the right of eminent domain and shall be paid by the several boroughs cities and townships joining in the same proportion as other costs of the improvement

(e) Each of the boroughs joining in any such improvement shall have power to incur or increase its indebtedness not exceeding the constitutional limits for the purpose of paying its share or portion of the cost of such improvement in the manner now provided by law for the incurring of indebtedness

Section 3201 Collection of Municipal Claims Boroughs may proceed for the recovery of municipal claims and taxes by lien or by action of assumpsit and jurisdiction is conferred upon justices of the peace to entertain such actions of assumpsit to the amount of three hundred dollars In all proceedings for the recovery of municipal claims an attorney's commission of five per centum may be included not to exceed twenty dollars

On the question,

Will the House agree to the section?

Mr. HARMUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the Act, on page 15, by striking out of line 11, the figure 12, thus: "[12]" and insert in lieu thereof, the figure: "11"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirteenth section was read as follows:

Section 13 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. HARMUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the Act, on page 19, by striking out of line 3, the figure 13, thus: "[13]" and insert in lieu thereof, the figure: "12"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrolment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1109, entitled:

An Act requiring specifications for the construction or repair of public works of the Commonwealth county municipality or other subdivisions of the Commonwealth to contain a provisions that the laborers or mechanics employed thereon shall have been residents of this Commonwealth for at least sixty days prior to their employment and prescribing penalties

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the specifications upon which contracts are entered into by the Commonwealth county municipality or other subdivisions of the Commonwealth for the construction alteration or repair of any public works shall contain the provisions that laborers and mechanics employed on such public works shall have been residents of the Commonwealth for at least ninety days prior to their employment and failure to keep and comply with such provision shall be sufficient legal reasons to refuse payment of the contract price to the contractor

The title was read as follows:

An Act requiring specifications for the construction alteration or repair of public works of the Commonwealth county municipality or other subdivisions of the Commonwealth to contain a provisions that the laborers or mechanics employed thereon shall have been residents of this Commonwealth for at least sixty days prior to their employment and prescribing penalties

On the question,

Will the House agree to the section?

Mr. MOORE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend as follows:

Page 1, Title of Bill, Line 6 of Title, by striking out the word "sixty" after the word "least" and inserting in lieu thereof the word "ninety"

On the question,

Will the House agree to the amendment?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2103, entitled:

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to purchase construct lease and operate bridges tunnels streets highways traffic circles airports hangars parkways recreation grounds and facilities public parks swimming pools lakes dams sewers sewage systems sewage disposal plants and other projects excepting housing and water gas and electric supply authorizing said Authority to issue bonds for the financing of its projects providing such projects are self-supporting and self-liquidating and to enter into agreements with the Government of the United States or any Federal agency requiring said Authority to take over the assets and projects of certain existing county and State authorities and commissions and to assume the obligations and contracts of such authorities and commissions repealing certain existing acts inconsistent herewith granting the right of eminent domain providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be cited as the "General State Authority Law"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BARBER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1628 as follows:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all proceedings and elections heretofore had and held by any county city borough township school district or other municipality or incorporated district within this Commonwealth to increase its indebtedness under the method of procedure specified by the provisions of an act of assembly entitled "An act to regulate the manner of increasing the indebtedness of municipal-

ities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April one thousand eight hundrd and seventy-four (Pamphlet Laws sixty-five) and the acts amendatory thereof and supplementary thereto where the majority of votes cast at such election was in favor of the increase of indebtedness be and the same are hereby ratified confirmed and made valid notwithstanding such election was held within ninety days after the general election nothwitstanding the date of the ordinance or vote deciding such increase was within ninety days after a general election and nothwithstanding any defect or informality in the manner of holding mode of conducting or giving notice of such election or in form of the ballot and nothwithstanding that the poles at such election were not open a full twelve hours as provided by law and notwithstanding any patent error of orthography or of numerical statement on any or all of the ballots

All of the bonds securities and obligations issued or be issued in pursuance of every such election are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district Provided That all the other requirements of law concerning such procedure election and issue of bonds have been complied with And provided further That the provisions of this act shall not apply in any instance where the validity of such election or any issue of bonds or other security based thereon has been made the subject of litigation in any court of the Commonwealth prior to the approval of this act nor to any litigaion in any court of this Commonwealh instituted prior to the passage of this act and still pending and undetermined

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2097, as follows:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal closing-out sale of goods damaged by fire smoke or water and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of July one thousand nine hundred and thirty-five it shall be unlawful for any person firm or corporation in this Commonwealth to hold out that any sale of goods wares and merchandise is an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal closing-out sale or a sale of goods damaged by fire smoke or water unless a license is first obtained to conduct such sale from the county treasurer of the county in which it is to be held

Section 2 The applicant for such a license shall make a full disclosure of the quantity kind and character of the goods to be offered for sale the method by which the applicant acquired title to the same and the reason for the urgent and expeditious disposal thereof upon an application to be filed with the said county treasurer The county treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is made in such application the said treasurer may refuse the said license

Section 3 It shall be the duty of any such licensee and each of them to post a copy of the said application in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same

Section 4 The conducting of any such sale as set forth in section one hereof without first having obtained the license or any misrepresentation made in connection with the goods so offered for sale or sold shall make the person so selling or offering for sale subject to thirty (30) days' imprisonment and the payment of a fine of not more than one hundred dollars ($100) upon conviction thereof in a summary proceeding The right to appeal from such conviction shall exist as in other cases of summary convictions

Section 5 Any license so granted as aforesaid shall be good for no more than a period of ninety (90) days and the treasurer shall receive from the applicant for such license a license fee of one hundred dollars ($100) upon the granting thereof

Section 6 This act shall not apply to sales conducted by sheriffs constables or other public or court officials or to any other person or persons acting under the direction or authority of any court state or federal selling goods wares and merchandise in the course of his official duties nor to sales by licensed auctioneers extending over a period not in excess of three (3) days

Section 7 This act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 419 as follows

An Act to encourage industry and benefit labor by prohibiting any and all institutions which receive state aid through appropriation or grant of money from the state treasury or which are exonerated from the payment of any taxes by any city borough township or county from manufacturing or producing any printed matter of any description whatsoever for sale to the public in competition with any person co-partnership association or corporation engaged in the business of printing or publishing

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no school college university hospital or other charitable or educational institution now or hereafter receiving state aid by appropriation or grant of money from the treasury of the Commonwealth of Pennsylvania or which are now or hereafter exonerated from the payment of any taxes by any city borough township or county shall directly or indirectly in any manner engage in producing or manufacturing for sale to the public printed matter of any description whatsoever in competition with any person co-partnership association or corporation engaged in the business of printing or publishing Provided That nothing herein contained shall be construed to apply to any institution owned and maintained by the Commonwealth

Section 2 Penalties (a) Any violation of any provision of this Act shall be a misdemeanor and upon conviction thereof an offender shall be subject to a fine of not more than five hundred ($500.00) dollars for each offense

(b) Any person whose interests may be affected or the Attorney General or any District Attorney may institute a suit to prevent and restrain any violation of this Act The Common Pleas Courts of this state shall have jurisdiction of such suits

(c) It shall be the duty of the Attorney General and also of the several District Attorneys of this state to enforce this act by proceedings as are herein provided for For such purpose the Attorney General may appear in person or by his duly authorized deputy or assistant or by any District Attorney acting pursuant to his direction in any court of this state having jurisdiction and conduct proceedings in the name of the state

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1841, as follows:

An Act to amend section twenty-five of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by reducing the number of days the machines must be locked following a fall primary

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-five of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machine providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" is hereby amended to read as follows

Section 25 Preservation of Ballots and of Record of the Machine The voting machine shall remain locked against voting for the thirty days next following each election except after any fall primary the machines shall remain locked for fifteen days and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the election with due regard for the date of the next following election except that it may be opened and all the data and figures therein examined upon the order of any court of competent jurisdiction or judge thereof or by direction of any legislative committee to investigate and report upon contested elections affected by the use of such machine and such data and such figures shall be examined by such committee in the presence of the officer having the custody of such machine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1842 as follows:

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by limiting the time in which final computation of the returns must be made following any fall primary

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as last amended by the acts approved the twenty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred ninety-three) and the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred twenty) is hereby further amended to read as follows

Section 14 A Upon the closing of the polls at such primary and before the ballot boxes are opened the number of ballots issued to the voters of each party as shown by the stubs and the number of ballots of each party if any spoiled and returned by voters and canceled shall be announced to all present in the voting room and entered on the general return sheets aforesaid and then the names checked as having voted in the two assessors' lists or registers marked "ballot check list" and "voting check list" respectively shall be immediately counted and the result announced and compared with the number of ballots issued as above ascertained after deducting the number spoiled and canceled and said results shall also be compared with the number of names written in the numbered lists of voters which shall be made as at elections as the electors receive and cast their ballots with the addition of a note of each elector's party enrollment after his name If any differences exist which are not found to be due merely to clerical errors such differences shall also be noted on the general return sheets aforesaid Then the numbered lists of voters (except a copy of the latter which shall be hung outside of the polling place) shall be placed in the separate envelopes provided for them re-

spectively and sealed In cities the voting and ballot check lists shall be put in one envelope and sealed and subsequently delivered to the registration commissioners or county commissioners as required by the personal registration acts relating to cities of various classes

B Also the stubs of all ballots used together with all unused ballots and all spoiled and canceled ballots of each party and the ballot check list in boroughs townships and districts other than in cities shall be placed in separate envelopes and sealed before the ballot boxes are opened which package shall be kept by the judge and delivered by him in person to the county commissioners at such place as they shall designate on or before noon of the Thursday following such primary

C As soon as all the ballots of each party have been properly accounted for and those outside the ballot boxes as well as the said lists sealed as aforesaid the election officers shall forthwith open the ballot boxes and take therefrom all ballots therein and separate the same according to the party to which they belong and first audibly count the number cast for each party one by one and make a record thereof and then the judge or one of the inspectors in the presence of the other officers shall read aloud the names marked or inserted upon each ballot keeping the ballots of each party in sequence together with the office for which the person named is a candidate and any other relevant matter necessary to identify him and the clerks shall carefully enter each vote as read and keep account of the same in triplicate tally papers for each party to be provided as aforesaid All ballots after being removed from the box shall be kept within the unobstructed view of all persons in the voting room until replaced in said box and no person while handling same shall have in his hands any pencil pen stamp or other means of marking or spoiling any ballot When the vote cast for the different persons named upon said party ballots shall have been fully recorded on said tally papers and counted the election officers shall duly certify to the number of votes cast for each person upon the respective party tickets and shall prepare triplicate returns thereof for each party and also general returns in duplicate showing besides the entries made thereon as aforesaid the number of ballots of each party cast and the number of ballots of each party declared altogether void including any blank ballots cast as well as the votes cast for each candidate on each party ticket one of which statements shall be immediately posted for the information of the public outside the voting room or polling place and the other of which shall be entrusted to the judge for delivery to the county commissioners with the package of unused ballots et cetera aforesaid The election officers shall then replace the ballots cast so counted and canvassed in the boxes including those declared void together with one set of tally papers one set of said triplicate return sheets one numbered list of voters sealed as aforesaid (and the voting check lists in districts other than cities) and one oath of each election officer and lock and seal each ballot box so that nothing can be inserted therein until it be opened again and the judge and minority inspector shall deliver them to the place which has been designated by the court of common pleas or by law for the delivery of ballot boxes at general and municipal elections on or before noon of the Thursday following such primary and the county commissioners or return board shall not compute any returns from any election district until the ballot boxes thereof as well as the package of unused ballots et cetera aforesaid therefrom are delivered as aforesaid

D The minority inspector shall retain one complete set of tally papers and one of the triplicate return sheets for each party and one set of the affidavits of voters and other persons except oaths of election officers made pursuant to the provisions of this act at such primary and carefully preserve the same for the period of at least one year The remaining tally papers triplicate return sheets and affidavits of voters and others including oaths of election officers shall be placed in separate envelopes to be provided for the same and sealed as soon as the count is finally completed All of such envelopes and the other numbered list of voters previously sealed as aforesaid shall be entrusted to the judge of election and shall on or before noon of the Thursday following be deposited by him in person or by registered mail with the county commissioners who shall on the succeeding day at noon publicly commence the computation and canvassing of the returns and continue the same from day to day until completed in the manner hereinafter provided except that if any of the county commissioners of any county shall be a candidate for any nomination at any primary he shall not act as a member of the return board for computing or canvassing any returns of such primary but the other two commissioners if both are qualified shall act and in case in any county there are not at least two commissioners so qualified two or more judges of the court of common pleas of such county shall be designated by said court to act as a return board provided that neither of them are candidates for any nomination at such primary either on a party or a nonpartisan ballot and if there shall be only one judge of such court in such county or if less than two judges are qualified and able to act in such county any judge who is qualified may act alone and if there be none qualified the prothonotary of such county shall act as the return board and if the prothonotary shall be a candidate at the primary then the sheriff of the county shall act as the return board

E The general returns from the various districts shall be open to public inspection at the office of the county commissioners as soon as they receive same from the judges thereof

F The county commissioners shall provide a convenient public place for holding the sessions of the return board whoever may compose it as aforesaid with adequate accommodations for the authorized representatives of each party and candidate concerned in any such primary not exceeding two such representatives for each of them at any one time to attend and to keep or check up their own computation of the votes cast in the several election districts as the returns from the same are read as hereinafter directed and the county commissioners shall give at least one week's previous notice by advertising once in at least two newspapers of a large paid circulation published at the county seat of the time aforesaid and place when and where such return board will commence and hold its sessions and keep copies of such advertisement posted in their office during said period

G At noon on the Friday following any such primary the county commissioners shall have ready a sufficient number of blank forms of returns made out in a proper manner and headed as the nature of the ballots may require for making out full and fair statements of all votes which shall have been given within the county or any political district therein according to the returns from the several election districts thereof for any person voted for therein for any party nomination or party office

H All the clerks of the county commissioners and other persons assisting in the official computation and canvassing of the votes shall be first sworn to perform their duties impartially and not to read write count or certify any return or vote falsely or fraudulently

I The general returns made by the election officers as aforesaid from the various election districts shall be read one after another in the usual order slowly and audibly by one of the clerks who shall in each case read therefrom the number of ballots of each party issued spoiled and canceled and cast respectively whereupon the clerk having charge of the records of the county commissioners showing the number of ballots of each party furnished for each election district and the number of stubs and unused ballots and spoiled and canceled ballots returned shall publicly announce the number of same respectively and unless it appears by said numbers or calculations therefrom that said records and the said general return correspond no further returns shall be read from the latter until all the ballots issued are fully accounted for and all the stubs and unused ballots spoiled and canceled ballots as well as the other election returns aforesaid shall be open to public inspection and shall be carefully preserved together with the contents of the ballot box by the county commissioners for at least eleven months and not destroyed in any event without the previous consent in writing by the district attorney None of the envelopes sealed by election officers and entrusted to the judges of election shall

be opened by any person except by order of the return board or of the court of common pleas

J When the records agree with the said returns regarding the ballots the votes recorded for each candidate on each party ticket shall be read by the said clerk slowly audibly and in an orderly manner from the said returns and the figures announced shall be compared by other clerks with the return sheets of each party for the respective districts and discrepancies shall be immediately called to the attention of the return board which shall thereupon compare said return sheets with the tally papers for the same election district respecting the same candidates or party ballots and if the tally papers and party return sheets agree the general return shall be forthwith corrected to conform thereto but in every other case the return board shall forthwith cause the ballot box of such division to be brought before it and opened under its direction and the ballots therein recounted respecting any vote in question in the presence of representatives of each party and candidate interested who are attending the canvass of such votes and if such recount shall not be sufficient to correct the error in any of the said returns the return board may summon the election officers and overseers if any to appear forthwith with all election papers in their possession and the court of common pleas shall use its processes to enforce such summons if necessary and if any error or fraud is discovered the return board shall compute and certify the votes justly regardless of any fraudulent or erroneous returns presented to it and report the facts to the district attorney of the proper county for action in cases that appear to warrant same

K As the returns from each election district are read computed and found to be correct or corrected as aforesaid they shall be recorded on the blanks prepared for the purpose of casting up the total vote of each candidate on each party ticket until all the returns from the various election districts which are entitled to be counted shall have been duly recorded when they shall be added together announced and attested by the clerks who made and compared the entries respectively and at the expiration of five days after the completion of said computation the return board shall certify the several returns accordingly to the county commissioners unless upon appeals taken from any decision the court of common pleas shall have directed any returns to be revised in which cases such returns shall be revised and certified accordingly Provided however That the computation by the return board must be completed within fifteen days after any fall primary election

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2175 as follows:

An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and seventeen (Pamphlet Laws three hundred twenty-two) entitled "An act to give protection and to regulate the catching or taking or having in possession within this Commonwealh of any bullfrogs tadpoles and terrapin and providing penalties and punishment for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how and by whom the costs in such cases shall be paid" providing penalties for catching or killing bullfrogs tadpoles or terrapin out of season

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authorty of the same That section one of the act approvd the twenty-ninth day of May one thousand nine hundred and seventeen (Pamphlet Laws three hundred twenty-two) entitled "An act to give protection and to regulate the catching or taking or having in possession within this Commonwealth of any bullfrogs tadpoles and terrapin and providing penalties and punishments for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how and by whom the costs in such cases shall be paid" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall be unlawful for any person to catch take or kill any bullfrogs or tadpoles from the first day of November to the first day of July both dates inclusive and terrapin from the fifteenth day of March to the first day of November both dates inclusive in each year in any of the waters within this Commonwealth or in the boundary waters thereof Any person violating any of the provisions of this section shall on conviction as provided in section eight of this act be subject to a penalty of ten dollars for each and every bullfrog or tadpole or terrapin so caught taken or killed

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2117 as follows

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same

Whereas Due to the fact that trout cannot be fed for several days prior to stocking streams with them they fall easy prey to any bait immediately following such stocking therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 254 Streams and Lakes to be Free for Fishing Exception Any natural stream or lake in this Commonwealth which has been or may be stocked with fish furnished by the Commonwealth or the Board shall be open to the public for the purpose of lawful fishing but nothing in this section shall be so construed as to free any person trespassing on the lands of any person in this Commonwealth from liability for any damage he may do to said lands or the improvement thereon or to any crops or livestock or poultry thereon

Notwithstanding the provisions of this section whenever any stream is stocked with trout during the open season for trout the Board of Fish Commissioners may close such stream or any part thereof, to fishing for a period of five days after the same has been stocked Whenever any stream or part of a stream is closed to fishing under the provisions of this section the portion thereof that has been closed shall be posted with signs giving notice of such crossing together with the date of stocking and the date when such stream or part thereof will again be open to

fishing A statement of the stocking of such stream giving the number of cans of trout planted the fact that the stream or part thereof has been closed and the dates of the stocking and reopening of the stream shall be given to at least one newspaper published in the vicinity of such stream with the request that the same be published as a news item

Any person fishing in any stream or part of a stream during the period the same has been closed to fishing under the provisions of this section shall on conviction as provided in chapter fourteen of this act be subject to a penalty of twenty-five dollars

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Mr. BLUMBERG. Mr. Speaker, I desire to call up at this time House Bill No. 1772, Printer's No. 632, on page 7 of today's calendar, bill on second postponed.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. BLUMBERG and

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House resumed the consideration on second reading of House Bill No 1772, entitled:

An Act to amend sections ten twelve and fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" prescribing additional grounds for divorce and providing for the annulment of additional void marriages

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve and fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 10 Grounds for Divorce from Bond of Matrimony

1 When a marriage has been heretofore or shall hereafter be contracted and celebrated between two persons it shall be lawful for the innocent and injured spouse to obtain a divorce from the bond of matrimony whenever it shall be judged in the manner hereinafter provided that the other spouse

(a) At the time of the contract was and still is naturally and incurably imporent or incapable of pro-creation or

(b) Has knowingly entered into a second marriage in violation of the previous vows he or she made to the former spouse whose marriage is still subsisting or

(c) Shall have committed adultery or

(d) Shall have committed wilful and malicious desertion and absence from the habitation of the injured and innocent spouse without a reasonable cause for and during the term and space of two years or

(e) Shall have by cruel and barbarous treatment endangered the life of the injured and innocent spouse or

(f) Shall have offered such indignities to the person of the injured and innocent spouse as to render his or her condition intolerable and life burdensome or

(g) Shall have procured the marriage by fraud force or coercion and which has not been subsequently confirmed by the acts of the injured and innocent spouse or

(h) Shall have been convicted as principal or as accessory either before or after the fact within or without this Commonwealth of the crime of arson burglary embezzlement forgery kidnapping larceny murder either in the first or second degree assault with intent to kill voluntary manslaughter perjury rape robbery sodomy buggery treason or misprision of treason and be sentenced to imprisonment for any term of two years or more by a competent court having jurisdiction or

(i) Is hopelessly and incurably insane

2 When a marriage has been heretofore or shall hereafter be contracted and celebrated between two persons within the prohibited degrees of consanguinity or affinity according to the tables established by law it shall be lawful for either of said parties to obtain a divorce from the bond of matrimony in the manner hereinafter provided or

3 If any spouse upon any false rumor in appearance well founded of the death of the other when such other has been absent for the space of two whole years hath married or shall marry again the party who has not married may at his or her return have his or her own marriage dissolved by divorce on the ground of bigamy leaving the other party to remain with the second husband or wife Any such action shall be instituted within six months after such return

Section 12 Annulment of [Bigamous] Void Marriages In all cases where a supposed or alleged marriage shall have been contracted which is absolutely void by reason of one of the parties thereto having a spouse living at the time or by reason of one of the parties thereto having been insane at the time such [the] supposed or alleged marriage may upon the application of either party be declared nul land void in accord with the principles and form hereinafter prescribed for cases of divorce from the bond of matrimony

Section 15 Jurisdiction The several courts of common pleas of this Commonwealth shall have original jurisdiction of cases of divorce from the bonds of matrimony from bed and board and in the annulment of marriages under the provisions of this act The said courts shall have power to grant divorces and to annul marriages notwithstanding the fact that the marriage of the parties and the cause for divorce occurred outside of this Commonwealth and that both parties were at the time of the occurrence of said cause domiciled without this Commonwealth and that the respondent has been served with the subpoena only by publication as provided by this act

All petitions or libels for divorce shall be exhibited to the court of the county where the libellant resides except where the husband and wife shall be resident in different counties of this Commonwealth and while so resident a cause of divorce shall arise in which cases the libellant may at his or her option institute and prosecute proceedings either in the county of his or her own residence or in the county wherein the respondent shall be resident and the cause for divorce shall have arisen

Petitions or libels for the annulment of [bigamous] void marriages may be exhibited to the court of common pleas of the county where the marriage was contracted or in the county where either the libellant or respondent resides and in such cases residence of the libellant within the county or State for any period shall not be required

On the question,

Will the House agree to the section?

Mr. BLUMBERG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 4, by striking out the word "and"

Amend Sec. 1, page 1, line 4, by inserting after the word "fifteen" the following: "and eighteen"

Amend Sec. 1, page 2, line 12 by striking out the word

"imporent" and inserting in lieu thereof the following: "impotent"

Amend Sec. 1, page 3, line 9 by underscoring the word "or"

Amend Sec. 1, page 4, line 5 by striking out the word "form" and inserting in lieu thereof the following: "forms"

Amend Sec. 1, page 4, line 6, by inserting after the word "matrimony" the following: "Provided, however, That in any case where a person was insane at the time of the marriage, and is later cured or recovers from such insanity, the spouse of such person shall not thereafter be entitled to a divorce or an annullment of the marriage by reason of such insanity."

Amend bill, page 5, by inserting after line 6, the following:

"Section 18. Jurisdiction Where Respondent a Lunatic.—In cases where a spouse is a hopeless lunatic or non compos mentis, or is hopelessly and incurably insane, the courts of common pleas shall have jurisdiction to receive a petition or libel for divorce in which such lunatic or person non compos mentis or insane is made the respondent, but only for a ground provided for in section ten of this act. In such cases, the said court shall appoint a committee for such person if there is none previously appointed and acting for such person at that time.

Section 2. Said act is hereby amended by adding thereto section thirteen to read as follows:

Section 13. In any case where children have been born after marriage, or after a supposed or alleged marriage, even though such supposed marriage is absolutely void under the provisions of this act, such children shall be deemed to be chidren born in wedlock and shall have the same rights and privileges as they would have if the supposed or alleged marriage of their parents was not void by reason of the provisions of this act."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The title was read as follows:

An Act To amend sections ten twelve and fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" prescribing additional grounds for divorce and providing for the annulment of additional void marriages

On the question,

Will the House agreed to the title?

Mr. BLUMBERG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Title, page 1, line 1 of title, by striking out the word "and"

Amend Title, page 1, line 1 of title, by inserting after the word "fifteen" the following: "and eighteen"

Amend Title, page 1, line 1 of title, by inserting after the word "of" the following: "and to add section thirteen to"

Amend Title, page 1, last line of title, by inserting after the word "marriages" the following: "requiring the court to appoint a committee for insane respondents, and providing that children born after a supposed marriage shall be deemed to be born in wedlock even though the marriage is annulled."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WESTRICK. Mr. Speaker, I move that House Bill No. 2151, Printer's No. 710, entitled

An Act relating to the sale furnishing delivery weighing and importation of unmanufactured horse manure for agricultural purposes including mushroom growing floriculture and other intensive forms of agriculture establishing standards thereof providing for inspections and tests and the issuing and effect of certificates by the Department of Agriculture and by inspectors licensed by it conferring powers and imposing duties on the Department of Agriculture prescribing penalties and requiring the payment of fines and other moneys collected into the State Treasury

on page 5 of today's calendar, bills on second reading, be recommitted to the Committee on Agriculture for further study and possible amendment.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. HARTMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Adams, Mr. Hartman, will state his question of personal privilege.

Mr. HARTMAN. Mr. Speaker, I have a letter on my desk from my County, to pass along to all the members an invitation to our apple blossom season during the next week or two, the season will be at its best. Adams County is noted for its apple blossoms and the people will enjoy them a great deal more than they did seeing the cherry blossoms.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 450, as follows:

An Act To amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (Pamphlet Laws four hundred eight) entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (Pamphlet Laws four hundred eight)

entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as last amended by the act approved the twentieth day of April one thousand nine hundred and thirty-three (Pamphlet Laws fifty-one) is hereby further amended to read as follows

Section 2 On and after the first day of January one thousand nine hundred and nineteen and annually thereafter there shall be paid by the State Treasurer to the treasurers of the several cities townships and boroughs within the Commonwealth the entire net amount received from the two per centum tax paid upon premiums by foreign fire insurance companies The amount to be paid to each of the treasurers of the several cities townships and boroughs shall be based upon the return of said two per centum tax upon premiums received from foreign fire insurance companies doing business within the said cities townships and boroughs as shown by the report made to the Department of Revenue Each city borough of township receiving any payment from the State Treasurer hereunder shall forthwith pay the amount received to the relief fund association of the fire department or of such fire company or fire companies paid or volunteer now existing or hereafter organized in such city borough or township as is or are engaged in the service of such city borough or township and duly recognized as such by the council or commissioners or supervisors as the case may be of such city borough or township In any borough or township in which there is no fire department or fire company or companies the amount received by the treasurer of the borough or township from said tax shall be forthwith paid to the relief fund association of the fire department or fire company or companies of any [adjoining] near or adjacent city borough or township the fire department or fire company or companies of which afford fire protection to the inhabitants of such borough or township Before payment of said tax to the treasurer of any such borough or township the burgess in boroughs and the secretary of the board of supervisors in townships shall first certify to the Auditor General that the fire department or fire company or companies of such [adjoining] near or adjacent city borough or township afford fire protection to the inhabitants of such borough or township Warrants for the above purposes shall be drawn by the Auditor General payable to the treasurers of the several cities townships and boroughs in accordance with this act whenever there are sufficient funds in the State Treasury to pay the same

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Munley,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Wilson,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1023, as follows:

An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person firm copartnership association or corporation who shall offer for sale or sell or distribute any medicine drug poison or article intended for external or internal use in the cure mitigation treatment or prevention of disease in man or animal through or by means of any vending machine or other mechanical device or who shall use any vending machine in or for the sale or distribution of any medicine drug poison or article intended for external or internal use in the cure mitigation treatment or prevention of disease in man or animals shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00)

The term "drug" as used in this act shall mean all medicinal substances and preparations recognized in the United States Pharmacopoeia and National Formulary or any supplements thereto and all substances and preparations intended for external or internal use in the cure mitigation treatment or prevention of disease in man or animals and all substances and preparations that contain medicinal or quasi-medicinal preparations such as those sold or produced primarily for their vitamin content intended to affect the structure or any function of the body of man or animal

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Wilson,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 979, as follows:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers and registrars of vital statistics and certain public service companies and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act for Cities of the First Class".

Section 2 Definitions (a) The word "commission" shall mean any registration commission having jurisdiction in any city of the first class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special primary or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the first class although such percentage of said vote may not have been attained in any particular election district thereof

(j) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the first class or with which such city is coextensive

(n) "City" shall mean only a city of the first class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics unless otherwise specified shall refer only to those of any city of the first class or to those of any county within which such city is located or with which it is coextensive

(p) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

Section 3 Registration Commissions Appointment of Members (a) There shall be a registration commission in and for each city of the first class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) The registration commission shall consist of five commissioners who shall be qualified electors of the city not more than three of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and except as herein otherwise shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified Provided however that

the terms of office of the commissioners first appointed by the Governor under this act shall commence on the first day of July one thousand nine hundred and thirty-five shall expire upon the first Monday of January one thousand nine hundred and thirty-nine Upon the appointment by the Governor of the registration commission for any such city the terms of office of the existing registration commission or commissioners of any such city shall terminate

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of five thousand dollars per annum [except the chairman thereof who shall receive compensation at the rate of six thousand dollars per annum]

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same party

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor

Section 4 Powers of Commissioners and Members Thereof Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled as hereinafter provided

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses and (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Appointment Duties (a) The commission shall have power to appoint such inspectors of registration as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same They shall receive for their services compensation not exceeding five dollars per day for the time actually employed

(b) The commission shall not later than the fifteenth day of August in the year one thousand nine hundred thirty-five appoint four registrars for each election district two to be members of the party polling the highest vote in the State at the preceding November election and two to be members of the party polling the second highest vote at said election and designate two of them one each from the two major parties to have charge of the district register and registration cards at all times during said year when they are sitting at the polling places as hereinafter provided Not later than the fifteenth day of August in all subsequent years the commission shall appoint two registrars for each election district one to be a member of the party polling the highest vote at the preceding November election and the other to be a member of the party polling the second highest vote at such election All such registrars must be duly qualified electors of the said district and shall have been residents of the city for a period of two years and of the ward for one year immediately preceding their appointment They must be sober and judicious persons of good moral character able to read intelligently and write legibly They shall be empowered to register the qualified electors of the district and in so doing to administer oaths and affirmation They shall be paid for their services at the rate of ten dollars for each day that they are in session at the polling places (payable after they deliver the registers et cetera to the commission as hereinafter provided) and at the same rate as other witnesses when they are summoned to appear before the commission or the court of common pleas

(c) Not later than July twentieth of each year any five or more qualified electors of any election district of the same political party may file with the commission their petition for the appointment of one qualified person also a member of said party as registrar The petition shall set forth the name address qualifications occupation and political affiliation of the person suggested for appointment as a registrar and give the respective residences of the petitioners and declare that each of them belong to the same party as that designated as the party of the candidate which petition shall be signed by each petitioner in his own handwriting and sworn to by one of them and by the candidate

More than one petition may be filed on behalf of the same party for each election district, provided that no elector shall be competent to sign petitions for more than one candidate, but if any candidate dies, withdraws, or becomes disqualified, before the last day of filing petitions aforesaid, any elector who recommended him may sign a petition for another candidate; Provided, however, That each such petition filed in the year one thousand nine hundred and thirty-five may contain the names of two candidates for registrar.

All petitions shall be open to public inspection, and not earlier than July twenty-sixth of each year, the commission shall commence public hearings thereof, considering them on consecutive week-days in the numerical order of the wards and of the election districts within each ward to which they relate respectively, unless reasonable cause be shown for postponing any hearing to a later time or date, and reasonable notice of such postponement given to all concerned.

The commission shall publish one general notice of the place and times or days when they will examine the candidates from the election districts of the various wards at least three days prior to the first hearing, in at least two daily newspapers, each having a paid circulation of at least fifty thousand copies daily in the city, and shall mail to each candidate a special notice of the time and place when he will be examined regarding his qualifications, at least three days before the day fixed for same, except that the commission need not notify any candidate who had previously been appointed a registrar to appear, but may reappoint him without such examinations.

If more candidates are duly nominated as members of any party than it is entitled to have appointed, the commission shall appoint the candidate or candidates whom it considers most fit, and if there are not sufficient fit candidates nominated on behalf of any party, the commission may appoint other persons without regard to party, of whom it has knowledge. No person shall be appointed a registrar unless the appointment is approved by three commissioners.

(d) Any vacancy occurring in the office of registrar of any election district, shall be filled by the commission upon like petition as those filed for an annual appointment, after such petitions shall have been on file, open to public inspection at least five days, except in cases where a vacancy occurs within ten days of any registration day, when it may appoint any proper person of whom it has knowledge.

(e) Any qualified elector of the city may appear before

the commission and show wherein any person nominated for appointment or appointed as a registrar does not possess the requisite qualifications and the commission may decline to appoint any candidate and may remove any registrar whom it considers unfit.

If it appears at any time that by reason of a change in political affiliations or because of error in the appointment the registrars of any election district are not divided according to political affiliations, as herein provided, any ten electors of the election district may file a petition with the commission, setting forth the facts, and praying that one or more of the appointments be revoked and that other appointments be made. Upon presentation of such a petition, one of the commissioners shall fix a time not less than five days thereafter, and at least three days' notice shall be given by mail to all the registrars of such election district, when a public hearing shall be given all concerned, and if the facts are then found to be as represented, the commission shall give the relief asked for.

(f) Inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act

(g) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(h) Each commission may appoint a chief clerk at a compensation not exceeding thirty-five hundred dollars per annum who shall have authority to administer oaths sign vouchers and register persons who are qualified and who appear at the office of the commission as herein provided an assistant clerk not over twenty hundred dollars per annum an assistant clerk not over eighteen hundred dollars per annum a stenographer (who may act as a clerk) at a salary not over fifteen hundred dollars per annum a chief inspector at a salary not over eighteen hundred dollars per annum two custodians of the records to guard same while they are open to public inspection each of whom shall receive not more than twelve hundred dollars per annum a messenger who shall receive not more than one thousand dollars per annum as many clerks as they may deem necessary from time to time at a compensation not exceeding four dollars per diem for the time actually employed

(i) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaken owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate or badge of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 6 Counsel Compensation Duties The commission may employ special counsel at a compensation not exceeding two thousand dollars per annum Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal produre for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by City Council Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The council of each city shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel a sufficient number of registrars as herein provided inspectors of registration and other assistants and employes and the fees of witnesses as herein defined and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices accounts books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The council of each city shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriation heretofore made by the council of any city for the purpose of carrying out any provisions of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners May Act As Registrars and Inspectors A commissioner or the chief clerk of the commission or any of its clerks or employes designated by the commission may act at the office of the commission as registrar and may at any time act as inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars an dinspectors of registration respectively

Section 10 Immunity From Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists voting check lists voters' certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a com-

missioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar Commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sessions of Commission Any party or body of electors which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not less than three for any party or body of electors

Section 15 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person and may be accompanied or may be represented by an attorney at law duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Days and Hours of Registration at Office of Commission and at Polling Places Payments of Rentals Public Notice (a) The commission shall arrange to have the registrars as hereinbefore provided meet at the polling place in each election district in the year one thousand nine hundred and thirty-five on the tenth Tuesday ninth Tuesday and ninth Saturday preceding the municipal election and in all subsequent years on the ninth Saturday preceding the municipal or general election They shall remain in open session from seven ante meridian to one post meridian and from four post meridian to ten post meridian of each registration day afor said

They shall on said days receive personal applications from persons who claim that they are entitled to be registered They shall have power to administer oaths shall examine said applicants under oath and shall record on the duplicate registration cards the names of and other facts concerning those whom they shall determine to be qualified as hereinafter provided

(b) From and after the first day of July on thousand nine hundred and thirty-five the commission or any commissioner or the chief clerk appointed by the commission or any clerk or employe designated by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the fifteen days next preceding each election and each primary and the five days following each election and each primary at the office of the commission receive personal application from presons who claim that they are entitled to be registered as electors of the city and who appear for registration.

(c) The Commission shall cause the polling places to be open in proper order for use as a place of registration on each of said registration days when the registrars are required by this act to be in session at the polling places and the said Commission shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) Two weeks notice of all registration days shall be given by the commissioners by one general notice published in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and by posting notices at the polling places

Section 17 Disposition of Old Registration Lists Effective Under Prior Laws The registration lists effective at the time this act becomes effective except as hereinafter provided shall become of no validity at the beginning of the period of fall registration in the year of one thousand nine hundred and thirty-five but the old registers shall be delivered to the registrars of the district before such fall registration for the purpose of checking certain information as hereinafter provided and shall thereafter be preserved by the commissioners for at least two years after such date and during said period shall be open to public inspection under proper regulations for their safe-keeping and no register shall be destroyed without the previous consent in writing of the district attorney of the proper county

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by the following section of this act and the following affidavit

Registration Affidavit

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to the registrars

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe the registrars shall return to the commission at its office all registration cards used or unused in their possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person

claiming the right to be registered as an elector must appear in person before the registrars in the district in which he resides or at the office of the commission on one of the days and at the time prescribed by this act and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrars or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) The length of his residence in the State and district respectively it shall be sufficient to state such time as to qualify him to vote in the district (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the approximate age of the applicant or a statement that he is twenty-one years of age and upwards (11) the state or territory of the United States or the foreign country where he was born (12) the date when place where and the court by which naturalized and number of the naturalization certificate (13) if not naturalized personally the name of father or husband through whom naturalized (14) whether he has a physical disability which will render him unable to see or mark the ballot or to enter the voting compartment or operate the voting machine without assistance and if so his declaration of that fact and the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of one of the registrars and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the general registers when filed by election districts as the district registers

(e) If the applicant shall allege inability to sign his name he shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicants inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name which affidavit shall be returned therewith to the office of the registration commission to be filed as part of its records

Section 20 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as hereinafter provided but no person shall be registered at the polling places unless both registrars when only two are sitting and at least three of the registrars when four are sitting or at the office of the commission unless one commissioner or the chief clerk of the commission or a clerk or employe designated by the commission determine that he is so qualified except by order of a court of common pleas as hereinafter provided From and after the seventh day of September one thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside in the same district unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 21 Applicants To Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register at any polling place may be challenged by a registrar or by any qualified elector Any person asking for registration by the commission may be challenged by a commissioner or a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth The challenged applicant shall produce such other proof as the law requires challenged persons to produce on election day and it shall be the duty of the registrars or commission to require it before permitting him to be registered

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where he resides (7) where applicant actually resided immediately before he took up his present residence (8) his residence for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrars or commissioners he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last November election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized Except as herein otherwise provided any person claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before he shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father to the best of his knowledge information and belief was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to the twenty-second day of September one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy

thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court in which such naturalization to the best of his knowledge information and belief took place and that she is unable to produce his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

No person shall be required to prove their citizenship as required by this section when they apply for registration in the year one thousand nine hundred and thirty-five if the registers for the year one thousand nine hundred and thirty-four of the district in which he is claiming the right to register show such person to have been registered during such year and if at least two of the registrars or three of the commissioners as the case may be are satisfied as to such person's citizenship For the purpose of determining all such persons previous registration the registrars shall refer to the said old registers of the district which are to be delivered to them with the district registers as hereinbefore provided

Section 23 Incomplete or Rejected Applications to be Recorded The registrars or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards marked "Applicant Rejected" and the registrars or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered had been denied by the registrars or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrars or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner shall not be registered

Section 25 General Register The duplicate registration affidavits for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the general register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 26 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the district register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 26.1. Removal Notices. The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors. These notices shall be printed upon cards suitable for mailing, addressed to the office of the registration commission and shall contain spaces wherein the elector shall write: (1) the street and number of his present residence and the specific location thereof, including the number of the room, apartment, flat or floor, if his residence is a portion only of a house; (2) the street and number of the address from which he was last registered; (3) the date of his removal to his present address; and (4) space wherein the elector shall sign his name. The removal notice shall contain a statement that the elector may be filling out properly and signing a removal notice and returning it to the office of the commission or presenting it in person to the registrars of the district in which he lives while in session at the polling place on a regular registration day secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring fifteen days or more after the receipt of the notice at the office of the commission or by the registrars, provided such person shall have moved into such new district at least two months prior to the succeeding election or primary. Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration, unless the signature thereon can be identified by the commission with the elector's signature in the general and district register. All such removal notices received by the registrars while sitting at the polling place on a registration day shall be delivered to the commission with the registers and other supplies, and the commission shall act on such notices in the same manner as if they had been delivered to it by mail.

Sec. 26.2. Transfer of Registration. (a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of the residence to another location in the same city, the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers, and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence.

(b) Provided, That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission or by the registrars within the period of fifteen days next preceding an election or primary, or shall show such removal was not made at least two months prior to the succeeding election or primary and the removal shall have been from one election district to another, the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence, but shall not include it in the register of the district of his new residence until after the election or primary. In any case the commission shall advise the elector promptly in writing of its action.

(c) If the commission shall doubt that the request for transfer is authentic, it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration.

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice, but each such elector must apply in person at the office of the commission or before the registrars of his district, establish his identity and state under oath or affirmation, to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness, the information required of registered electors in a removal notice."

Section 27 Change of Enrollment of Political Party Cancellation of Party Enrolment (a) At any time prior to the fifteenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear at the office of the commission or before the registrars of his district when sitting at the polling place and state in writing over his signature the political party in which he desires to be enrolled and the registrars or commissioner shall cause the enrollment of the elector's political designation to be made or alter accordingly in the general and district registers In such cases the signature of the elector shall be verified by com-

parison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 28 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a commissioner at the office of the commission in such city and prove his identity and the commission thereupon shall correct its records accordingly

(c) All public utility companies furnishing electricity or gas to householders in such cities shall report in writing from time to time, not more often than once monthly, to the commission upon the request of the commission all cases of discontinuance of their service to residents, together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them.

The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in said report and to all the members of his family and household who are electors registered from the same address the notice provided by the following section, and shall proceed thereupon in accordance with the provisions of that section.

Section 29 Mail Check-up of Registers (a) At any time prior to the fifteenth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once each four years the commission shall send such notice by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by the following section of this act a copy of which notice shall be mailed by the commission to the city chairman of the political party in which such elector may be enrolled at least forty-eight hours prior to the time specified in such notice and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he proves his qualifications as an elector

Section 30 Canvass of Registered Voters Any inspector of registration on his own motion or on complaint of any person known to him and when directed by any commissioner shall

(a) Investigate all questions relating to the registration of electors and for that purpose shall have power to enter and inspect any house dwelling building inn lodging house or hotel within any city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment aforesaid

(b) Inspect any copy and register of lodgers in lodging houses inns or hotels relating to or affecting the right of any person to vote or to be registered in like manner

(c) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when violation is punishable as a crime

(d) Call on any police or peace officer of such city or of the county to assist the inspector of registration in the maintenance of peace at any polling place or in making any arrest as aforesaid

(e) Leave a notice at the address from which any person is registered when such person shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered Such notice shall require such elector to "satisfy the commission of his qualifications as a voter" on or before a date and hour which the notice shall appoint and which shall not be later than the fifth day preceding the election or primary next ensuing The inspector shall give written report of such cases to the commission which shall cause a confirmation of each such notice to be sent by mail promptly to such person at the from which he is registered and shall also mail a copy of each such notice to the city chairman of the political party in which such person may be enrolled at least forty-eight hours prior to the time specified in such notice

At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not proved his qualifications as an elector

Section 31 Comparison and Correction of Registers Preliminary Street Lists (a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each general and municipal election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commissions shall cause to be made at least fifty and not more than one hundred exact copies of each such list and as soon as possible and not later than the first day of March in each year shall distribute the same among the inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties bodies of electors and candidates interested therein giving at least ten copies of each street list to the city committee of each political party or body of electors upon the written application of the chairman thereof and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on the file at the offiice of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 32 Corrected Street Lists Posting Not later than the fifteenth day prior to each general and municipal election and spring primary and not later than the seventh day prior to each fall primary the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house number The commission shall cause

to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Such lists shall be distributed to the same people and in the same manner and number as is hereinbefore provided for in the case of preliminary lists except the various city committees shall receive but five copies A copy of the corrected street list of each election district shall forthwith be publicly posted at the polling place of such district two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 33 Petitions to Strike Off Names Any qualified elector including any watcher registrar or inspector of registration of the city may file his petition with the commission praying for the cancellation of the registration of any registered elector of the city upon such grounds as he may set forth in such petition under oath One of the commissioners shall fix a time and place for hearing such petition not later than five days before any fall primary or ten days preceding any election or spring primary and the petitioners shall cause forty-eight hours notice of the proceeding to be given to the person whose registration is in question by leaving a copy of the petition with the time and place fixed for hearing the same indorsed thereon with an adult person at his place of residence as given by him to the registrars and recorded in the registers and upon proof of service of such notice or proof that there is no one residing at the address given the commissioners shall proceed with a public hearing of the petition notice of which shall be mailed by the commission to the city chairman of the political party in which such elector may be enrolled at least forty-eight hours prior to the time set therefor The Commission if satisfied after the production of evidence that the said person is not legally entitled to be registered shall cancel the registration of such elector and amend accordingly the general and district registers and the other records affected

Section 34 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceding an election or primary the commission shall deliver to the county commissioners of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election day of any person who has removed from one election disrtict to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards cannot be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 35 Persons Registered are Entitled to Vote if Identified by Signature District Register as Ballot Check List and Voters' Certificates as Voting Check List at Elections Challenging of Persons Registered Return of Voters Certificates and Register (a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification, and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law or this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership Provided That no elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for the same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary in such city without being registered as an elector in the election district in which he offers to vote as provided by this act except by order of the court of common pleas as herein provided regarding appealed cases and any person although personally registered may be challenged by any qualified elector watcher overseer of election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth protity or residence he shall subscribe to an affidavit as to his identity or continued residence in the election district and shall produce at least two qualified electors of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district and if challenged as to betting or as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secertary of the Commonwealth substantially as follows

Voter's Certificate

(Primary) (Election) ..... 19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

..... Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines) .....

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a

suitable file or binder to be furnished by the county commissioners After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature and after the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting check List" and the name of the district and date of the primary or election and the said voter's certificates so bound shall in such city constitute the voting check list heretofore required by law All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officer shall be carefully preserved and returned to the commission with the list of voters

(g) The district register hereby provided for shall be used at each election and primary in such city by the election officers in the place of the register known as the ballot check list heretofore required by law As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The voters' certificates herein called the voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 36 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates as having voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration affidavits of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration affidavits in each register a supplemental card Each supplemental card shall be printed in a color different from the registration affidavits It shall have the same serial number as the registration affidavit followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration affidavit Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other date required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration affidavit to which it relates by permanent fasteners in such a manner that the contents of the registration affidavit may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration affidavit of any elector the registration affidavit shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 37 Cancellation of Registration Upon Failure to Vote During Two Successive Years Starting immediately after the municipal election held in the year one thousand nine hundred and thirty-five and immediately after each general municipal and primary election thereafter the rgistration commission shall cause all of the district registers to be examined and in the case of each registered elector whom such record shows as having failed to vote during any two successive years after his registration the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has failed to vote during two successive years and that in order to be qualified to vote at any subsequent election he must again be registered by personal application before a commissioner or registrars in the manner provided by this act

Section 38 Cancellation Removal and Preservation of Registration Affidavits Advertisement and Posting of Cancelled Names Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it Provided however That before any such cancellation is made publication of the information contained in the notice provided for in section thirty-seven of this act shall be made in at least one newspaper of general circulation as defined by the Newspaper Advertising Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) having a paid circulation of at least fifty thousand copies daily in the city The names and addresses of all persons whose registration is cancelled by the commission shall be arranged according to districts and in alphabetical order within each district and posted in plain view in the office of the commission as follows All names so cancelled during one calendar month shall be posted on the first day of the succeeding month and shall remain until the last day of such month In addition thereto all names so cancelled during the fifteen days immediately preceding any primary or election shall be posted within twenty-four hours of such cancellation and shall remain for fifteen days after such election or primary all such lists shall be posted in such a place that the public may have easy access to them at all hours when the office of the commission is open for business

Section 39 Appeals to Court Hearing (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of the city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to strike off or remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any fall primary or any eighth day preceding any election or spring primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter indisispute of which notice shall be served with a copy

of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered do novo unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election offices of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

Seciton 40 Production of Documents Et Cetera at Appeals Upon service of subpoena by any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 41 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses and all witnesses so subpoenaed shall be paid two dollars each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said court if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission and the appellant until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission or for the appellant taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 42 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission of refuses to obey its subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court of commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly

made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioners or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioners or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed therein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

Section 43 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided herein this act shall be in force and take effect from and after the first day of July one thousand nine hundred and thirty-five

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 44 Repeal of Prior Laws Proviso (1) The act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-seven) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commission and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting the certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regullating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect pool taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" and the amendments and supplements thereof are hereby repealed

(b) All other acts or parts of act in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

On the question,

Will the House agreed to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LONG. Mr. Speaker, and members of this House, I desire to call to your attention to the fact that House Bill No. 979, Printer's No. 698, is in no sense a partisan measure. It is the result of a great deal of painstaking and constructive effort upon the part of its sponsors. I, therefore, urge all the members of this House to support this Bill because I believe it will be of great benefit to all voters of cities of the first class.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, W. G.,
Baker, J J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stone,

Brancato,	Harkins,	O'Keefe,	Stott,
Brennan,	Harmuth,	Ominsky,	Sumney,
Brown, H. S.,	Hart,	O'Neill,	Surface,
Brown, J. E.,	Hartman,	Panton,	Tahl,
Brownfield,	Hefferon,	Parks,	Terry,
Brumbaugh,	Hermansen,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Trout,
Cannon,	Hindman,	Pearson,	Tumelty,
Caputo,	Hirsch,	Perry,	Turner,
Carr,	Hoffner,	Peters,	Van Allsburg,
Carson,	Holland,	Pfaff,	Van Sickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Robinson,	White,
Cordier,	Kinney,	Rooney,	Wickersham,
Davies,	Klingler,	Root,	Wilson,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zappala,
Duffort,	Male,	Schwartz,	Zimmerman,
Eberharter,	Mallen,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Mr. WEISS. Mr. Speaker, I desire to call up at this time House Bill No. 758, Printer's No. 609, on page 32, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WEISS.

The House resumed the consideration on third reading of House Bill No. 758, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers register of vital statistics and boards of school directors

On the question,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 44, Page 48, Line 20, by striking out after the word "effect" the words "from and after the" and inserting in lieu thereof the following: "immediately upon"

Amend Section 44, Page 48, Line 21, by striking out the whole line, and inserting in lieu thereof the following: "approval by Governor"

Amend Section 44, Page 48, by striking out the whole of line 22.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Mr. BOYER. Mr. Speaker, I desire to call up at this time House Bill No. 811, Printer's No. 447, on page 9 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Boyer

The House resumed the consideration on final passage of House Bill No. 811 entitled

An Act to amend section one thousand two hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prohibiting mayors from holding other public offices

On the question recurring.

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker, and members of this House, my colleague from Johnstown called up this bill as evidence of the fact that as far as the two members from the city of Johnstown are concerned, members who are representing different parties, there is no disagreement as to the inherent worth of this measure. I would not rise to take your time were it not for the fact that this bill has been discussed among the members, that it has been lobbied for and lobbied against, and that much of the discussion has been misleading. This measure can be considered upon the basis of the principle involved, or this measure can be considered upon the basis of the alleged personalities involved, or this measure could be considered as many members have chosen to consider it, as a ripper measure.

I prefer, first of all, to consider and submit this measure upon the basis of the principle. If we can agree upon the principle, I am willing to discuss the personality, and if we can agree upon the personality, and anybody has any curiosity upon that subject, I am willing to discuss its merits as a ripper, but I think that the personality and the ripper phrase with which so many members have been concerned, are extraneous issues. This bill simply comes to you on the proposition that mayors of third-class cities should not be permitted to hold a job as mayor and a state job.

Now, if that principle is sound, there are not any exceptions to it; you cannot say "That is so, but we ought to make an exception in this case" or "It is so, and we ought to make an exception in some other case." The principle is either sound or it is unsound.

I submit to you that at a time when the payrolls of this state are being revised and combed for the purpose of leaving off one member of a family, if a husband and wife are on the payroll, or one member of the family, if father and son are on the payroll, that it is wholly inconsistent to put the mayor of a third-class city on the payroll.

Now, curiously enough, while the first-class city law says

the mayor of a first-class city must be mayor and nothing more, and while the second-class city law says that the mayor of the second-class city must be mayor and nothing else, the third-class city law leaves the door open, and the mayor can be mayor, and anything else he can get, up to $10,000 a year. There isn't any mayor, there isn't any third-class city mayor, that is worth thirty-five hundred dollars of the municipality's money and fifty-five hundred dollars of the state's money at one and the same time, and I don't make any exception for individuals. This bill is a proposition concerning dual office-holders. You have your own position to take. This House may conclude in its wisdom that it wants to endorse the principal of dual office holders. This House, in its wisdom may conclude that it wants to tell the world that it is perfectly satisfied for a man to hold two lucrative jobs.

The Republican minority may want to place itself upon the record as in favor of dual office-holders The Democratic majority may want to tell the world that that is where it stands, but that is not a matter for me to consider. That is for the House.

Now, as to the personality, it is said among the members of this House that this bill is subject to objection because it so happens that only one mayor of a third-class city would be immediately affected. Now, I ask you, is that my fault? Is it your fault? Is it anybody's fault, except the mayor who would be immediately affected?

It is also said that the principle in this bill is vitiated by reason of the ripper; the allegation that the mayor who would be immediately affected and myself, are political enemies and that, therefore, the principle of this bill is vitiated.

Now, then, since this argument has been so freely used under cover, among the members of this House, I want to say this and I say this advisedly that I personally am the person who initiated the negotiations with Democratic leaders that ultimately led to the appointment of a third-class city mayor to a responsible position under the state-government, and I say that any it is so, and I have the documents to prove it.

Now, why do I do that? Because it was my understanding that the mayor of the third-class city affected, was perfectly willing and agreeable to being kicked upstairs. He had no thought at the time he was angling for a promise from Democratic leaders, having failed as I would like to inform my Republican friends, to make a deal with Republicans, he was perfectly willing to be kicked upstairs into a responsible state position, but when he got what he considered to be a sufficient promise, he changed his mind, and his position was, after he had the promise, that if he should resign as mayor, he would be a sucker, and if he didn't resign as mayor, the other people would be suckers, and that as far as he was concerned, if somebody had to be a sucker, he would rather it would be the other people.

Now, let me make myself clear, that neither the candidate for Governor, nor any other candidate on the Democratic State ticket, was, at the time the deal was pending to get this third-class city mayor a job for his support of the ticket, and turn from the field as a Senatorial candidate, knew anything about the negotiations, or were, in any way responsible for them. I want to make that clear. All the Governor of this Commonwealth ever knew was, that suddenly the mayor of Johnstown jumped on his band-wagon, became one of his ardent supporters, and had back of him a group of influential Democrats who wanted the mayor of Johnstown to have a job.

But, I know and the mayor knows that a very important group, an influential group, but a very important group knows that the matter was a deal. All of that has no reference to this bill, no proper reference. I only say it, because of the arguments that had been made around the block, and have been printed in the papers, that the administration was opposed to this measure. It has been pending upon the calendar many weeks and I have received no direct intimation that this bill is distasteful to the interest of the Administration, and if it was I ought to be the one that knew it, and if anybody else knows anything to the contrary, I hope, they arise and tell the membership. I have been told that this measure is distasteful to the Democratic organization, and if there is anybody that has any direct information upon that point, I hope they arise and tell the membership.

Now, Mr. Speaker, I am not going to take up the time of the House, unless in the course of debates, if there is any, which I hope there will not be,—I am compelled to do so with reference to the ripper aspect.

I can assure the gentleman from Pittsburgh that headline for headline, action for action, disorder for disorder, folly for folly, riot for riot, disregard for law and disregard for order, that I can duplicate not only once but three times every charge they brought against their mayor of Pittsburgh, and prove from headlines and from facts that the mayor of our city was an even worse offender. But even if I could do so, that is no proper argument in favor of the bill The bill should stand upon its own basis, its own feet, as a fundamental proposition, and as such a fundamental proposition, the issue being whether or not this House will decide for or against dual office-holders, and upon that basis I submit the bill.

Mr. REISING. Mr. Speaker, I desire to interrogate the gentleman from Cambria County, Mr. Andrews.

The SPEAKER. Will the gentleman from Cambria, Mr. Andrews, permit himself to be interrogated?

Mr. ANDREWS. Mr. Speaker, I will.

Mr. REISING. Mr. Speaker, I would like to ask the gentleman from Cambria, Mr. Andrews, if this bill provides for the salaries of the mayors of the third-class cities; the amount of the salaries?

Mr. ANDREWS. Mr. Speaker, it has nothing to do with salaries The purpose of the bill is absolutely stated in the title. It prohibits mayors from holding other offices of public profit under the commonwealth, mayors of third-class cities.

Mr. REISING. Mr. Speaker, in third-class cities where the salary of the mayor is around six hundred, seven hundred, eight hundred, nine hundred, or even a thousand dollars a year, would this bill prevent such a mayor from accepting or holding a position, working for the state, we will say, for instance, on the highways, or some other department, in order that he may make a proper living for his family?

Mr. ANDREWS. Mr. Speaker, my interpretation of this bill would be that the mayor of the third-class city, no matter what his salary was would not be permitted to hold a state job while he was mayor of a third-class city.

Mr. REISING. Mr. Speaker, I feel that these family scraps that happen in certain districts of our commonwealth, should be handled by the local people in their own way, and not inconvenience people who are not concerned about local matters in these various districts. I happen to know of a case where the mayor or third-class city,

makes about eight hundred dollars a year. He at this time is looking for employment and I am sure that if he is denied the privilege of possibly accepting a position under the state, it will be an extreme hardship, and to my mind this legislation to punish the mayor in Johnstown, and taking along with it the punishment of mayors of third-class cities throughout this State could properly be called viscious legislation, and so I would ask that the sponsor of this measure hold it in abeyance, with the thought in mind that something might be worked out whereby the innocent would not be required to suffer with the guilty where they want to punish someone, and I feel that we should be fair, not only to ourselves, but to our neighbors.

I have no fault to find with the attitude of the people from the territory, where they have agreed on it. I think they have a just grievance, and I feel that a correction should be made, but I do not feel that it is fair to go out and punish every third class city mayor in the state of Pennsylvania.

Mr. HOLLAND. Mr. Speaker, I desire to interrogate the gentleman from Cambria, Mr. Andrews.

The SPEAKER. Will the gentleman from Cambria, Mr. Andrews, permit himself to be interrogated?

Mr. ANDREWS. Yes, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, may I ask the gentleman what is the salary of the mayor of a third-class city?

Mr. ANDREWS. Mr. Speaker, the maximum salary, I think, is thirty-five hundred dollars. I do not know what the minimum is. Forty-eight hundred dollars they tell me is the maximum.

Mr. HOLLAND. Mr. Speaker, may I ask what are the salaries of other third-class cities?

Mr. ANDREWS. Mr. Speaker, they run from five hundred dollars to forty-eight hundred dollars. I cannot tell you. I am not interested in what the salary is. I do not think the five hundred dollar mayor has the right to hold a state job; I do not think that the thousand dollar mayor has the right to hold a state job; I do not think that the two thousand dollar mayor has the right to a state job; I do not think that a mayor of any salary has a right to a state job.

Mr. HOLLAND. Mr. Speaker, may I ask if the gentleman has any petitions from the city of Johnstown, asking him to remove the mayor of Johnstown?

Mr. ANDREWS. Mr. Speaker, I have no intention of removing the mayor of Johnstown. The mayor of Johnstown can remain there, so far as I am concerned, as long as he wants to. This bill does not remove the mayor of Johnstown. It simply forces any mayor who holds a state job to make up his mind whether he wants to serve his city, or whether he wants to serve the state, and if the mayor of Johnstown decides he wants to serve the state that is his election.

Mr. HOLLAND. Mr. Speaker, can the gentleman tell me how much time, a member of the Boxing Commission takes from his work?

Mr. ANDREWS. Mr. Speaker, on the basis of the Johnstown experience, since being appointed Boxing Commissioner, the mayor of Johnstown says he can be mayor on two hours a week. If he says he can be mayor on two hours a week, I presume it is because he feels that it is necessary to devote his other hours to his duties as Boxing Commissioner.

Mr. HOLLAND. Mr. Speaker, is not this a personal fight between two people in Johnstown?

Mr. ANDREWS. Mr. Speaker, if this were a personal fight, and if this man in whom my friend is so much interested had been my political enemy, he certainly would not last July when he had failed to make progress in other lines, come to me for my assistance in establishing the contact with the people he desired to reach. If he has, since that time, become my enemy, you will have to ask him about that, because I don't know anything about it. I helped him the last time he asked me for help.

Mr. BURKE. Mr. Speaker, I desire to interrogate the gentleman from Cambria, Mr. Andrews, for the purpose of obtaining some information about this bill.

The SPEAKER. Will the gentleman from Cambria, Mr. Andrews, permit himself to be interrogated?

Mr. ANDREWS. Mr. Speaker, I will.

Mr. BURKE. Mr. Speaker, referring to page 2, section 2 of the bill, the Section reads as follows: "The provisions of this act shall become effective (immediately upon its final enactment) (on the first Monday of January, 1936) immediately upon its final enactment."

Now, realizing that printers who make up these bills have handled such a great barrage of bills, and realizing that the gentleman from Cambria, Mr. Andrews, handles a great volume of work from this House, I would like to know, only for the purpose of avoiding a possible error, if this bill is in its final form.

Mr. ANDREWS. Mr. Speaker, as far as I am concerned, this bill is in its final form. I take it that section 2 reads "The provisions of this act shall become effective immediately upon its final enactment. If I am in error in that interpretation, the bill would fall because of faulty draftmanship, which perhaps might not be displeasing to some members of this House, but I am perfectly willing to abide by Section 2, as "wrote".

Mr. BURKE. Mr. Speaker, I just wanted an expression from the gentleman that this bill was in its final form, so that because of the great volume of work handled by the printers and the gentleman from Cambria, there may be no possible error.

Mr. TRONZO. Mr. Speaker, and members of this House. I want to assure you that if we act affirmatively upon this bill, we will rightfully deserve, or rather, rightfully have earned, the title of rippersentatives, and not representatives.

This thing has come down to the fact that a certain mayor in the city of Johnstown happens to be holding at the same time another position with the state. It has become rather customary of late for the General Assembly to pay a little too much attention to local matters. I think that matter was brought before the House in an earlier ripper affair that was presented to us. I feel that the members of this General Assembly who also feel that if the people of Johnstown can stand their mayor, we ought to be able to do so.

I also feel, and I am fairly sure that you should also feel that if the administration can have a mayor of Johnstown acting as one of its appointive officials, that that also should be a matter for the administration to decide. I am very positive that if the people of Johnstown rebelled at the mayor holding two jobs, they could force that mayor to get out without bringing that matter before

the General Assembly. And I am also sure that if the state administration does not want that man as their Boxing Commissioner, they can get rid of him in a rather easy manner.

So I say, let the people of Johnstown take care of that end of it, and let the administration take care of their end of it, and let us take care of our work, and I am going to, therefore, assure you, as you no doubt know, it is going to keep us here late tonight.

Mr. REISING. Mr. Speaker, and members of the House, this proposition is one that is quite serious, and one that places a mayor of a third-class city working on a small salary in a very peculiar position, for the reason that temptation is always before public officials to do the wrong thing, but when you shut off his bread and butter, sufficient at least that he can keep his family, you are placing the occasion for wrong-doing before him and to my mind this is vicious legislation. I do not feel that we should go along with this measure as it now exists. And to some of the boys over here who are unruly, I will meet them anywhere.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—71

Achterman,	Fitch,	Parks,	Sowers,
Altenburg,	Flinchbaugh,	Patterson, C.,	Sproul,
Andrews,	Gates,	Peters,	Stewart,
Aukerman,	Haberlen,	Pfaff,	Stockham,
Baine,	Harkins,	Reynolds,	Stone,
Boose,	Hermansen,	Robinson,	Sumney,
Boyer,	Hindman,	Ruth,	Terry,
Brown, J. E.,	Kane,	Scanlon,	Turner,
Burke,	LaRue,	Schrock,	Van Allsburg,
Cannon,	Longaker,	Schwab,	Van Sickle,
Caputo,	McCreary,	Schwartz,	Welliver,
Chervenak,	McElroy,	Shaw,	Welsh,
Cochran,	Melchiorre,	Shreiner,	Westrick,
Cohen,	Moran,	Siegel,	Wickersham,
Dent,	Moul,	Simpson,	Winner
Downey, G. E.,	Nagel,	Sinwell,	Woodside,
Falkenstein,	O'Keefe,	Sloan,	Zimmerman,
Finnerty,	Ominsky,	Snyder, F. E.,	Sarig,

NAYS—102

Alexander,	Furman,	Mason,	Shortz,
Baker, J. J.,	Gerard,	McDermott,	Shugarts,
Barnhardt,	Gillette,	McDevitt,	Simon,
Bernhard,	Green,	McHenry,	Smith, W. G.,
Blumberg,	Greenstein,	McKinney,	Snyder, J. L.,
Boyd, H. N.,	Hagerty,	Mentzer,	Spangler,
Bradley,	Hamilton, F. P.,	Mooney,	Stank,
Brancato,	Hamilton, R. S.,	Moore,	Stevens,
Brown, H. S.,	Harmuth,	Muir,	Stott,
Brownfield,	Hefferon,	Munley,	Surface,
Brumbaugh,	Hirsch,	Murrin,	Tahl,
Carr,	Hoffner,	Nothnagle,	Tronzo,
Castor,	Holland,	O'Neill,	Trout,
Coakley,	Holstrom,	Panton,	Tumelty,
Coleman,	Hoopes,	Patterson, J. W.,	Walker,
Condon,	Horst,	Piole,	Wall,
Conner,	Jones,	Powers,	Wasserman,
Coolahan,	Kelder,	Reising,	Weidemann,
Cordier,	Kelso,	Rhys,	Weiss,
Davies,	Kilroy,	Roan,	White,
Denning,	Kinney,	Rooney,	Wilson,
Downey, J. J.,	Klingler,	Root,	Witkin,
Duffort,	Kobelak,	Ruffennach,	Wood,
Eberharter,	Male,	Sarraf,	Yourishin,
Ferko,	Mallen,	Schrope,	Zappala,
Forrest,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REASONS FOR VOTE

Mr. EBERHARTER. Mr. Speaker, I am voting "no" and desire to file my reasons for so doing:

My vote is in the negative on this bill because many mayors of third class cities receive only five hundred to six hundred dollars a year. In my opinion the provisions of the bill are too drastic and would adversely affect too many mayors rendering good service to the citizens of the state.

Mr. RUFFENNACH. Mr. Speaker, I am voting "no" and desire to file my reasons for so doing:

This bill is in effect a ripper bill and while it is questionable as to whether it is a good bill for the specific purpose for which it is intended, it undoubtedly will work a hardship on those small town third class city mayors who are compensated to the extent of only Five Hundred Dollars per year.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1521, as follows:

An Act imposing certain requiremtnts on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all hospitals having seventy-five beds or more receiving any appropriation from the State shall at all times have in attendance at such hospital at least one licensed physician or resident interne who shall have graduated from an approved medical college or approved osteopathic college if such hospital be an osteopathic hospital

Section 2 The Department of Welfare shall enforce the provisions of this act and shall withhold the payment of all money or the unpaid balance thereof appropriated or allotted to any hospital failing to comply with the provisions of this act

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 The provisions of this act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Gates,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Moomaw,	Snyder, J. L.,
Baldi,	Gillette,	Mooney,	Sowers,
Barber,	Green,	Moore,	Spangler,
Barnhardt,	Greenstein,	Moran,	Sproul,
Bernhard,	Habbyshaw,	Moul,	Stank,
Blumberg,	Haberlen,	Muir,	Stevens,
Boose,	Hagerty,	Munley,	Stewart,
Boyd, R.,	Haluska,	Murrin,	Stockham,
Boyer,	Hamilton, F. P.,	Nagel,	Stone,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stott,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hart,	O'Neill,	Tahl,

Brown, J. E.,	Hartman,	Panton,	Terry,
Brownfield,	Hefferon,	Parks,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, C.,	Trout,
Burke,	Hetrick,	Patterson, J. W.,	Tumelty,
Cannon,	Hindman,	Pearson,	Turner,
Caputo,	Hirsch,	Perry,	Van Allsburg,
Carr,	Hoffner,	Peters,	Van Sickle,
Carson,	Holland,	Pfaff,	Walker,
Castor,	Holstrom,	Phillips,	Wall,
Chervenak,	Hoopes,	Piole,	Wasserman,
Coakley,	Horst,	Powers,	Weidemann,
Cochran,	Jackson,	Reising,	Weiss,
Cohen,	Jones,	Reynolds,	Welliver,
Coleman,	Kane,	Rhys,	Welsh,
Condon,	Kelder,	Rinn,	Westrick,
Conner,	Kelso,	Roan,	White,
Coolahan,	Kilroy,	Robinson,	Wickersham,
Cordier,	Kinney,	Rooney,	Wilson,
Davies,	Klingler,	Root,	Winner,
Decker,	Kobelak,	Ruffennach,	Witkin,
Denning,	LaRue,	Ruth,	Wood,
Dent,	Linderman,	Sarraf,	Woodside,
Diehl,	Long,	Scanlon,	Yeakel,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. COLEMAN. Mr. Speaker, I desire to call up at this time House Bill No. 2122, Printer's No. 617, on page 10 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. COLEMAN.

The House resumed the consideration on final passage of House Bill No. 2122, entitled:

An Act providing for the annual registration with the Department of Labor and Industry of establishments where persons are employed; requiring certain statistical data relating to employment and accidents to be furnished the department; authorizing the department to prescribe an annual registration fee; and imposing a penalty for violation of the act.

On the question recurring,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, and members of the House, although the intent of this bill may be all right, I feel that from the manner in which it is drawn, it is a dangerous piece of legislation. The bill provides that every owner of every establishment where persons are employed for compensation of any sort are subject to this bill, and then it goes on and tells about the registration. I think there is a provision in here that the presons shall be considered to have violated the law, and be subject to prosecution. What is an establishment? I believe that it could be properly said that my home is an establishment, and if I had somebody to come in and help my wife wash the dishes under this law, I would have to register in order to have permission to do that. I feel that a farm is an establishment; I feel that any place, practically any place in which people are employed is some sort of an establishment, and I feel that under this bill, you would be taking a chance if you employed a person in your home, or any other place without registering; you would be taking a chance of having criminal prosecution brought against you. I feel that under the circumstances, and the manner in which this bill is drafted that it is a bad bill and should be defeated.

On the question recurrring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—113

Achterman,	Dent,	Long,	Robinson,
Alexander,	Diehl,	Lovett,	Rooney,
Allen,	Dilley,	Male,	Ruffennach,
Aukerman,	Downey, G. E.,	McDermott,	Ruth,
Baine,	Downey, J. J.,	McElroy,	Sarraf,
Baker, J. J.,	Eberharter,	McHenry,	Scanlon,
Barber,	Eroe,	Melchiorre,	Schrope,
Bradley,	Finnerty,	Mentzer,	Schwab,
Brancato,	Flanagan,	Mooney,	Shaw,
Brown, H. S.,	Furman,	Moran,	Shugarts,
Brown, J. E.,	Gates,	Moul,	Siegel,
Brownfield,	Gerard,	Munley,	Sinwell,
Brumbaugh,	Haberlen,	Murrin,	Smith, W. G.,
Burke,	Hagerty,	Nagel,	Stank,
Cannon,	Haluska,	O'Keefe,	Stevens,
Caputo,	Hamilton, F. P.,	Ominsky,	Stone,
Carr,	Harmuth,	O'Neill,	Sumney,
Carson,	Hartman,	Panton,	Tronzo,
Chervenak,	Hermansen,	Patterson, C.,	Tumelty,
Coakley,	Hetrick,	Patterson, J. W.,	Van Sickle,
Cochran,	Holland,	Pearson,	Walker,
Cohen,	Holstrom,	Perry,	Weiss,
Coleman,	Hoopes,	Pfaff,	Welliver,
Condon,	Kilroy,	Piole,	Welsh,
Coolahan,	Kinney,	Powers,	Westrick,
Cordier,	Klingler,	Reising,	Wilson,
Davies,	Kobelak,	Rinn,	Zappala,
Decker,	LaRue,	Roan,	Sarig,

NAYS—58

Altenburg,	Greenstein,	Peters,	Terry,
Baker, F. T.,	Hefferon,	Rhys,	Trout,
Barnhardt,	Hirsch,	Schrock,	Turner,
Bernhard,	Horst,	Shortz,	Wall,
Blumberg,	Jones,	Shreiner,	Wasserman,
Boose,	Kane,	Simpson,	Weidemann,
Boyer,	Kelder,	Snyder, F. E.,	White,
Castor,	Kelso,	Snyder, J. L.,	Wickersham,
Conner,	Longaker,	Spangler,	Winner,
Duffort,	Mallen,	Sproul,	Witkin,
Ferko,	McCreary,	Stewart,	Wood,
Fitch,	McKinney,	Stockham,	Woodside,
Forrest,	Moore,	Surface,	Yeakel,
Gillette,	Muir,	Tahl,	Zimmerman,
Green,	Nothnagle,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. WEISS. Mr. Speaker, I desire to call up at this time House Bill No. 317, Printer's No. 600, on page 34, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WEISS.

The House resumed the consideration on third reading of House Bill No. 317, entitled:

An Act providing that where a tract of land has been or shall hereafter be annexed to a city borough or township and is a part of an election district therein, it shall be a part of the same State-senatorial congressional and legislative district as the said election district

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—62

Achterman,	Conner,	Long,	Powers,
Aukerman,	Coolahan,	Longaker,	Robinson,
Baine,	Cordier,	Lovett,	Ruth,
Baker, J. J.,	Davies,	McCreary,	Sarraf,
Barber,	Dent,	McDermott,	Scanlon,
Brancato,	Downey, G. E.,	McElroy,	Stevens,
Brown, J. E.,	Downey, J. J.,	Nothnagle,	Sumney,
Brownfield,	Haberlen,	O'Keefe,	Tronzo,
Burke,	Hamilton, R. S.,	Ominsky,	Weiss,
Cannon,	Harmuth,	O'Neill,	Welliver,
Caputo,	Hoopes,	Patterson, C.,	Westrick,
Carr,	Kane,	Patterson, J. W.,	Wilson,
Coakley,	Kilroy,	Pearson,	Zappala,
Coleman,	Kinney,	Pfaff,	Sarig,
Condon,	Kobelak,	Piole,	

NAYS—95

Alexander,	Green,	Moomaw,	Snyder, J. L.,
Allen,	Greenstein,	Mooney,	Sowers,
Altenburg,	Habbyshaw,	Moore,	Spangler,
Baker, F. T.,	Hagerty,	Moul,	Sproul,
Barnhardt,	Hamilton, F. P.,	Muir,	Stewart,
Bernhard,	Hartman,	Nagel,	Stockham,
Blumberg,	Hermansen,	Panton,	Surface,
Boose,	Hindman,	Parks,	Terry,
Brennan,	Hirsch,	Perry,	Trout,
Carson,	Hoffner,	Reising,	Tumelty,
Castor,	Holland,	Ruffennach,	Turner,
Cochran,	Holstrom,	Schrock,	Van Allsburg,
Cohen,	Horst,	Schrope,	Walker,
Decker,	Jones,	Schwab,	Wall,
Diehl,	Kelder,	Shaw,	Wasserman,
Duffort,	Kelso,	Shortz,	Weidemann,
Eberharter,	Klingler,	Shreiner,	Welsh,
Eroe,	LaRue,	Shugarts,	White,
Ferko,	Linderman,	Siegel,	Wickersham,
Flanagan,	Lynch,	Simon,	Winner,
Flinchbaugh,	Mallen,	Simpson,	Witkin,
Forrest,	Mason,	Sloan,	Wood,
Gates,	McDevitt,	Smith, W. G.,	Woodside,
Gillette,	McKinney,	Snyder, F. E.,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL NO. 840.

An Act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

SENATE BILL NO. 841.

An Act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

SENATE BILL NO 842.

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money

SENATE BILL NO. 843.

An Act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money.

Whereupon,

The Speaker in the presence of the House signed the same.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 445.

An Act supplementing the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by providing additional credit for service and prior service for State employes who were formerly employed as teachers, principals or superintendents in the public school system of the Commonwealth.

HOUSE BILL NO. 1043.

An Act to amend section one, of the act approved the eighth day of April, one thousand eight hundred and sixty-seven (P. L. 50), entitled "An act to permit disabled soldiers to peddle, by procuring a license therefor, without charge," as amended, governing the issuing of licenses.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows.

HOUSE BILL No. 88.

An Act providing for the organization and equipment under certain conditions of two colored battalions of infantry and making an appropriation therefor

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 552.

An Act authorizing the insurance of deposits of funds of this Commonwealth and of the political subdivisions thereof with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 149.

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows: Amend title, page 1, line 3, by striking out after the word "jurors" the words "becoming incapacitated" and inserting in lieu thereof the words "who die become ill or are discharged for legal cause."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eberharter,	Mason,	Shortz,
Alexander,	Eroe,	McCreary,	Shreiner,
Allen,	Falkenstein,	McDermott,	Shugarts,
Altenburg,	Ferko,	McDevitt,	Siegel,
Andrews,	Finnerty,	McElroy,	Simon,
Arnold,	Fitch,	McHenry,	Simpson,
Atkins,	Flanagan,	McKinney,	Sinwell,
Aukerman,	Flinchbaugh,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Gillette,	Moore,	Sowers,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Munley,	Stewart,
Boyd, R.,	Hagerty,	Murrin,	Stockham,
Boyer,	Haluska,	Nagel,	Stone,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stott,
Brancato,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brennan,	Harkins,	Ominsky,	Surface,
Brown, H. S.,	Harmuth,	O'Neill,	Tahl,
Brown, J. E.,	Hartman,	Panton,	Terry,
Brownfield,	Hefferon,	Parks,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, C.,	Trout,
Burke,	Hetrick,	Patterson, J. W.,	Tumelty,
Cannon,	Hindman,	Pearson,	Turner,
Caputo,	Hirsch,	Perry,	Van Allsburg,
Carr,	Hoffner,	Peters,	Van Sickle,
Carson,	Holland,	Pfaff,	Walker,
Castor,	Holstrum,	Phillips,	Wall,
Chervenak,	Hoopes,	Piole,	Wasserman,
Coakley,	Horst,	Powers,	Weidemann,
Cochran,	Jackson,	Reising,	Weiss,
Cohen,	Jones,	Reynolds,	Welliver,
Coleman,	Kane,	Rhys,	Welsh,
Condon,	Kelder,	Rinn,	Westrick,
Conner,	Kelso,	Roan,	White,
Coolahan,	Kilroy,	Robinson,	Wickersham,
Cordier,	Kinney,	Rooney,	Wilson,
Davies,	Klingler,	Root,	Winner,
Decker,	Kobelak,	Ruffennach,	Witkin,
Denning,	LaRue,	Ruth,	Wood,
Dent,	Linderman,	Sarraf,	Woodside,
Diehl,	Long,	Scanlon,	Yeakel,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
		Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

USE OF HALL OF HOUSE GRANTED FOR SHOWING OF MOVING PICTURE "BLACK FURY"

Mr. ZAPPALA asked and obtained unanimous consent of the House to offer the following resolution which was twice read, considered and adopted.

In the House of Representatives, April 23, 1935.

Resolved, That the use of the Hall of the House of Representatives be given at 8:15 P. M. this day for the purpose of showing the moving picture "Black Fury", the scenario of which was taken from a book written by his Honor, Judge M. A. Musmanno, a former member of this House.

TIME EXTENDED ON BILL

Mr. HAGERTY. Mr. Speaker, I move that the time on House Bill No. 1188, Printer's No. 605, entitled:

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' 'as amended requiring that bond be filed by political bodies filing nomination papers.

on page 32 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Labor will meet immediately after this morning's session in room 325.

The Committee on Mines and Mining will meet immediately after this morning's session in the Conference Room.

The Committee on Education at 2:30 p. m. today in room 521.

The Committee on Corporations will meet immediately after tomorrow morning's session in Room 323.

The Committee on Municipal Corporations will meet immediately after tomorrow morning's session in room 324.

The Committee on Education will meet at 9.15 a. m. tomorrow in room 326.

The Committee on Military Affairs will meet tomorrow at 9:30 a. m. in room 324.

The Committee on Pensions and Gratuities will mee tomorrow at 9:30 a. m. in room 325.

The Committee on Insurance will meet tomorrow morning at 10:00 a. m. in room 325.

The Committee on Judiciary General will meet tomorrow at 10:00 a. m. in room 521.

The Committee on Railroads and Railways will meet tomorrow at 10:00 a. m. in room 326.

The Committee on State Government will meet tomorrow at 10:00 a. m. in room 323.

The Committee on Boroughs and Townships will meet tomorrow at 10:30 a. m. in room 326.

The Committee on Counties will meet tomorrow at 10:30 a. m. in room 324.

War veterans of the General Assembly are invited to be the guests of the Private Carl G. Aurand Post, No. 1086, at their Post Home, 1365 Howard Street, Harrisburg, Tuesday, April 23, 1935, at 8:00 p. m.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:00 P. M. Are there objections? The Chair hears none and declares a recess until 4:00 P. M.

AFTER RECESS

The House reconvened at 4:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 445.

An Act supplementing the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties by providing additional credit for service and prior service for State employes who were formerly employed as teachers principals or superintendents in the public school system of the Commonwealth

HOUSE BILL No. 1043.

An Act to amend section one of the act approved the eighth day of April, one thousand eight hundred and sixty-seven (P. L. 50), entitled "An act to permit disabled soldiers to peddle, by procuring a license therefor, without charge," as amended, governing the issuing of licenses.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 22. (HOUSE BILL No. 2777).

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspection of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Referred to the Committee on Elections.

SENATE BILL No. 154. (HOUSE BILL No. 2778).

An Act providing that State and Federal moneys appropriated and available for unemployment relief and work relief shall be allocated by the Department of Welfare for expenditure either by political subdivisions charged by law with the care of the poor; or by county unemployment relief boards appointed by the court of common pleas defining the powers of such political subdivisions and boards; providing for the audit of accounts prescribing penalties and repealing existent laws relating to the administration of unemployment relief.

Referred to the Committed on Judiciary Special.

SENATE BILL No. 547. (HOUSE BILL No. 2779).

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," providing a procedure for the vacation of such abandoned State highways without the necessity of a view.

Referred to the Committee on Highways.

SENATE BILL No. 958. (HOUSE BILL No. 2780).

An Act making an appropriation to the Coudersport General Hospital.

Referred to the Committee on Appropriations.

SENATE BILL No. 959. (HOUSE BILL No. 2781).

An Act making an appropriation to the Northern Tier Home Harrison Valley Potter County Pennsylvania.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. CLIFF S. PATTERSON (Concurrent)
RESOLUTION No. 138.

In the House of Representatives, April 23, 1935.

Whereas, The Federal Government, in order to alleviate unemployment, is developing various useful public works; and

Whereas, The newspapers throughout the State have brought to the attention of many thousands of its citizens and to the members of this Legislature a project advanced by the State Planning Board involving the construction of a highway upon the abandoned railway grade of the South Penn Railroad through the Allegheny Mountains between Harrisburg and Pittsburgh; and

Whereas, At the time construction was abandoned by the South Pennsylvania Railroad in 1885, nine tunnels

through the mountains were approximately two-thirds completed and many miles of right of way were graded; and

Whereas, The completion of these tunnels and the construction of the intervening portions of highways, would provide the general public with a highway free from excessive grades, avoiding the dangerous storms upon the mountain tops, and upon which it would appear that at no point the highway grade would be in excess of one hundred feet to the mile; and

Whereas, The completion of these tunnels and the construction of this highway would require approximately 32,000,000 man hours of labor and would furnish immediate employment to many unemployed men now upon the relief rolls of the State; and

Whereas, All the materials entering into the construction project will be produced by the industries of Pennsylvania; and

Whereas, It is estimated that the cost of completion and operation of the roadway and these highway tunnels may be defrayed within a reasonable period of time by a system of tolls to be charged for the use of the tunnels; and

Whereas, This South Penn Tunnel Highway would possess invaluable military value in time of war; therefore be it

Resolved, (if the Senate concur), That a committee of three members of the Senate and three Members of the House to be appointed by the President Pro Tempore and Speaker respectively, and in connection with the State Highway Department, the Federal Bureau of Public Roads and the State Planning Board, and such other consultants as they choose to engage, make an investigation of this project; and

Resolved, That said committee shall make a report to the Legislature during the present session as promptly as possible, that they shall continue their investigations until a thorough study is completed.

Referred to the Committee on Highways.

REPORTS FROM COMMITTEES

Mr. BRADLEY, from the Committee on Mines and Mining reported as committed, House Bill No. 2099, entitled

An Act to amend section one of article fourteen of the act approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by requiring the erection of wash houses under certain conditions at bituminous mines in this Commonwealth.

Mr. FORREST, from the Committee on Banking, reported as committed, House Bill No. 2203, entitled:

An Act to amend section fifteen of the act approved the thirteenth day of April, one thousand nine hundred and twenty seven (P. L. 273), entitled "An act for the registration and regulation of certain individuals and entities selling, offering for sale or delivery, soliciting subscriptions to, or orders for, or undertaking to dispose of, inviting offers for, or inquiries about, or dealing in any manner in, securities defined herein, including securities issued by them; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania; prescribing penalties and making appropriations," requiring dealers in securities to make reports of their financial condition.

Mr. RINN, from the Committee on Banking, reported as committed House Bill No. 2668, entitled:

An Act to amend section two hundred three of the act approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State Departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts", by making the moneys in the Banking Department Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

Mr. ALEXANDER, from the Committee on Education, reported as amended, House Bill No. 494, entitled:

An Act relating to, and regulating the practice of the healing profession of chiropractic and licensure and registration of practitioners therein; creating a Chiropractic Board of Examination and licensure in the Department of Public Instruction, and defining its powers and duties; and providing penalties.

Mr. LONG, from the Committee on Banking reported as committed, House Bill No. 2380, entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation, and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

Mr. STEVENS, from the Committee on Education re-reported as amended, House Bill No. 1286, entitled

An Act to amend sections ten, twelve and fourteen of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by changing the procedure on appeal from decisions of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the composition and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1425 as follows:

An Act to amend section one thousand two hundred and seven of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain

vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended including townships of the first class among the recipients of certain fines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and seven of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an apropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1207 Disposition of Fines and Forfeitures (a) All fines and penalties collected under the provisions of this act for violations of the same and all bail forfeited shall be paid to the department and transmitted to the State Treasury and credited to the "Motor License Fund" except those collected for violations of the provisions of sections nine hundred and three (903) nine hundred and five (905) one thousand and two (1002) one thousand and eleven (1011) one thousand and fifteen (1015) one thousand and eighteen (1018) one thousand and twenty (1020) one thousand and twenty-six (1026) one thousand and twenty-eight (1028) of this act committed within cities boroughs incorporated towns and townships which fines and penalties and all bail forfeited shall be paid to the treasurer of the city borough incorporated town or township wherein the violation occurred to be used by such city borough incorporated town or township for the construction repair and maintenance of the highways thereof Provided That all fines and penalties collected and all bail forfeited for violations of the provisions of section one thousand and sixteen (1016) committed within cities boroughs [and] incorporated towns or townships of the first and second class shall be paid to the treasury of the city borough [or] incorporated town or township of the first and second class wherein the violation occurred to be used by such city borough incorporated town or township of the first and second class for the construction repair and maintenance of the highways thereof

(b) Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate or other officer imposing or receiving the same to the secretary upon forms furnished by the department such reports shall be made monthly not later than the tenth (10th) day of the following month

Penalty Any magistrate or other officer who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of five hundred ($500.00) dollars and costs of prosecution or undergo imprisonment for not more than sixty (60) days or suffer both such fine and imprisonment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrum,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Wilson,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2046, entitled:

An Act to amend an act approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws six hundred and eighty-one), entitled "An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department; and providing that certified copies of all records, books, papers, documents, and rulings of the department shall be received in evidence," by providing that the Secretary of Highways, in addition to the certification fee of one dollar ($1.00), also may charge the cost of producing certified copies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Wilson,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2044, entitled:

An Act to amend the act approved the twenty-third day of May, one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine), entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street, road or highway, may be filed in the court of quarter sessions" providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Gates,	Merrell,	Smith, W. G.,
Baker, J J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Stott,
Brennan,	Harmuth,	Ominsky,	Sumney,
Brown, H. S.,	Hartman,	O'Neill,	Surface,
Brown J. E.,	Hefferon,	Panton,	Tahl,
Brownfield,	Hermansen,	Parks,	Terry,
Brumbaugh,	Hetrick,	Patterson, C.,	Tronzo,
Burke,	Hindman,	Patterson, J. W.,	Trout,
Cannon,	Hirsch,	Pearson,	Tumelty,
Caputo,	Hoffner,	Perry,	Turner,
Carr,	Holland,	Peters,	Van Allsburg,
Carson,	Holstrom,	Pfaff,	Van Sickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Rinn,	Welsh,
Conner,	Kilroy,	Roan,	Westrick,
Coolahan,	Kinney,	Robinson,	White,
Cordier,	Klingler,	Rooney,	Wickersham,
Davies,	Kobelak,	Root,	Wilson,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Linderman,	Ruth,	Witkin,
Dent,	Long,	Sarraf,	Wood,
Diehl,	Longaker,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yeakel,
Downey, G. E.,	Lynch,	Schrope,	Yourishin,
Downey, J. J.,	Male,	Schwab,	Zappala,
Duffort,	Mallen,	Schwartz,	Zimmerman,
Eberharter,		Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1905, entitled:

An Act to amend sections six and seven of the act approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws, six hundred sixty-one), entitled "An act relating to the maintenance of insane, feeble-minded, and other persons confined to the various institutions of the Commonwealth; fixing liability for their support; providing for the collection of the moneys due the Commonwealth therefor, and for proceedings relating thereto," by defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth for the maintenance and support of insane, feeble-minded, and other persons confined in various institutions of the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Gates,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Stott,
Brennan,	Harmuth,	Ominsky,	Sumney,
Brown, H. S.,	Hartman,	O'Neill,	Surface,
Brown, J. E.,	Hefferon,	Panton,	Tahl,
Brownfield,	Hermansen,	Parks,	Terry,
Brumbaugh,	Hetrick,	Patterson, C.,	Tronzo,
Burke,	Hindman,	Patterson, J. W.,	Trout,
Cannon,	Hirsch,	Pearson,	Tumelty,
Caputo,	Hoffner,	Perry,	Turner,
Carr,	Holland,	Peters,	Van Allsburg,
Carson,	Holstrom,	Pfaff,	Van Sickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Rinn,	Welsh,
Conner,	Kilroy,	Roan,	Westrick,
Coolahan,	Kinney,	Robinson,	White,
Cordier,	Klingler,	Rooney,	Wickersham,
Davies,	Kobelak,	Root,	Wilson,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Linderman,	Ruth,	Witkin,
Dent,	Long,	Sarraf,	Wood,
Diehl,	Longaker,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yeakel,
Downey, G. E.,	Lynch,	Schrope,	Yourishin,
Downey, J. J.,	Male,	Schwab,	Zappala,
Duffort,	Mallen,	Schwartz,	Zimmerman,
Eberharter,		Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2060 entitled

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2057 entitled

An Act authorizing the Secretary of Highways to pay out of the Motor License Fund judgments rendered against employes of the Department for personal injuries when insurance provided by the Commonwealth for such cases, has failed to furnish the required protection through insolvency of the insurance carrier, and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Altenburg,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1979 entitled:

An Act to amend section five of the act approved fifth day of May, one thousand nine hundred and eleven, (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein and providing for the expenses thereof," as amended, providing for the removal of certain court clerks only with the approval of a majority of the judges of said court.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1237, entitled:

An Act to further amend article eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers,

mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" by adding a new section limiting the amount of liquid or motor fuel which may be carried.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Gates,	Merrell,	Smith, W. G.
Baker, J. J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Stott,
Brennan,	Harmuth,	Ominsky,	Sumney,
Brown, H. S.,	Hartman,	O'Neill,	Surface,
Brown, J. E.,	Hefferon,	Panton,	Tahl,
Brownfield,	Hermansen,	Parks,	Terry,
Brumbaugh,	Hetrick,	Patterson, C.,	Tronzo,
Burke,	Hindman,	Patterson, J. W.,	Trout,
Cannon,	Hirsch,	Pearson,	Tumelty,
Caputo,	Hoffner,	Perry,	Turner,
Carr,	Holland,	Peters,	Van Allsburg,
Carson,	Holstrom,	Pfaff,	Van Sickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Rinn,	Welsh,
Conner,	Kilroy,	Roan,	Westrick,
Coolahan,	Kinney,	Robinson,	White,
Cordier,	Klingler,	Rooney,	Wickersham,
Davies,	Kobelak,	Root,	Wilson,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Linderman,	Ruth,	Witkin,
Dent,	Long,	Sarraf,	Wood,
Diehl,	Longaker,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yeakel,
Downey, G. E.,	Lynch,	Schrope,	Yourishin,
Downey, J. J.,	Male,	Schwab,	Zappala,
Duffort,	Mallen,	Schwartz,	Zimmerman,
Eberharter,		Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2050, entitled:

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 450), entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases,' as amended, extending the provisions of said act to highways in cities," as amended.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1976, entitled:

An Act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2058, entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway, and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stone,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stott,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1090, entitled:

An Act relating to search warrants, regulating their issuance, execution and return, prescribing the powers and duties of justices of the peace, aldermen and magistrates issuing them, and of officers executing them, inflicting penalties for unlawfully procuring, unlawfully executing, and unlawfully resisting the execution of a search warrant.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hefferon,	Panton,	Tahl,
Brown, J. E.,	Hartman,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2056, as follows:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal the Highway Mining commission hereinafter created upon application of the Secretary of Highways the county or [is hereby authorized to enter into agreements with] the owner of the coal underlying such lands or the person entitled to remove the same [specifying] is hereby authorized and empowered to determine and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underlying or adjacent coal if any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine working for the purpose of furnishing both vertical and lateral support to such highway and the party or parties by whom the expense thereof shall be paid The Secretary of Mines the Attorney General and the President Judge of the Court of Common Pleas of the county in which the highway is situated are hereby constituted a special commission to be known as the Highway Mining Commission This Commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the Court of Common Pleas of the county in which the highway is situated All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of Courts of Common Pleas

Section 2 That section three of the said act is hereby amended to read as follows

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any obligation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes which obligation did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of [laws relative to the determination and payment of damages for the relocating of State highways which were in force at the time of the original acquisition of such easement] this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimbuse it for the replacement of any highways which may be injured or destroyed by the removal of coal under or adjacent to such highway

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,
Shall the bill pass finally?

BILL POSTPONED

Mr. BROWNFIELD. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2052, entitled:

An Act to amend section seven hundred fifty-five of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury approval

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2061, entitled:

An Act relating to trees and other obstructions on State Highway Routes and intersecting roads providing for the removal thereof and the disposition of the logs or wood from such trees under certain conditions

And said bill having been read at length the third time, and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Winner,
Davies,	Kobelak,	Ruffennach,	Witkin,
Decker,	LaRue,	Ruth,	Wood,
Denning,	Linderman,	Sarraf,	Woodside,
Dent,	Long,	Scanlon,	Yeakel,
Diehl,	Longaker,	Schrock,	Yourishin,
Dilley,	Lovett,	Schrope,	Zappala,
Downey, G. E.,	Lynch,	Schwab,	Zimmerman,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,	Shaw,	Shaw,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2113, entitled:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster

And said bill having been read at length the thrid time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions to the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1712, entitled:

An Act to amend section one of the act approved the ninth day of April one thousand eight hundred and forty-nine (Pamphlet Laws five hundred thirty-three) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent" by increasing the amount of exemption to five hundred dollars

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Downey, J. J.,	Longaker,	Sarraf,
Alexander,	Duffort,	Lovett,	Scanlon,
Allen,	Eberharter,	Lynch,	Schrope,
Altenburg,	Eroe,	Mallen,	Schwab,
Andrews,	Falkenstein,	Mason,	Schwartz,
Arnold,	Ferko,	McCreary,	Shaw,
Atkins,	Finnerty,	McDermott,	Shortz,
Aukerman,	Fitch,	McDevitt,	Shugarts,
Baine,	Flanagan,	McElroy,	Siegel,
Baker, F. T.,	Flinchbaugh,	McHenry,	Simon,
Baker, J J.,	Forrest,	McKinney,	Sinwell,
Baldi,	Furman,	Melchiorre,	Sloan,
Barber,	Gates,	Merrell,	Smith, J. A.,
Barnhardt,	Gerard,	Moomaw,	Smith, W. G.,
Bernhard,	Gillette,	Mooney,	Snyder, F. E.,
Blumberg,	Green,	Moore,	Snyder, J. L.,
Boose,	Greenstein,	Moran,	Sowers,
Boyd, R.,	Haberlen,	Moul,	Spangler,
Boyer,	Hagerty,	Muir,	Sproul,
Bradley,	Haluska,	Munley,	Stank,
Brancato,	Hamilton, F. P.,	Murrin,	Stevens,
Brennan,	Hamilton, R. S.,	Nagel,	Stewart,
Brown, H. S.,	Harkins,	Nothnagle,	Stone,
Brown, J. E.,	Harmuth,	O'Keefe,	Stott,
Brownfield,	Hartman,	Ominsky,	Sumney,
Brumbaugh,	Hefferon,	O'Neill,	Surface,
Burke,	Hermansen,	Panton,	Tahl,
Cannon,	Hetrick,	Parks,	Tronzo,
Caputo,	Hindman,	Patterson, C.,	Trout,
Carr,	Hirsch,	Pearson,	Tumelty,
Castor,	Hoffner,	Perry,	Van Allsburg,
Chervenak,	Holland,	Peters,	Van Sickle,
Coakley,	Holstrum,	Pfaff,	Walker,
Cochran,	Hoopes,	Phillips,	Wasserman,
Cohen,	Horst,	Piole,	Weidemann,
Coleman,	Jackson,	Powers,	Weiss,
Condon,	Jones,	Reising,	Welliver,
Conner,	Kane,	Reynolds,	Welsh,
Cordier,	Kelso,	Rhys,	Westrick,
Davies,	Kilroy,	Rinn,	White,
Decker,	Kinney,	Roan,	Wilson,
Denning,	Klingler,	Robinson,	Winner,
Dent,	Kobelak,	Rooney,	Witkin,
Diehl,	LaRue,	Root,	Yourishin,
Dilley,	Linderman,	Ruffennach,	Zappala,
Downey, G. E.,	Long,	Ruth,	Sarig,

NAYS—18

Carson,	Patterson, J. W.,	Terry,	Wood,
Habbyshaw,	Schrock,	Turner,	Woodside,
Kelder,	Shreiner,	Wall,	Yeakel,
Male,	Simpson,	Wickersham,	Zimmerman,
Mentzer,	Stockham,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2054, entitled:

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase of condemnation the necessary land therefor" be and the same are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever in the construction widening or relocation of any State or county road highway bridge or tunnel or of any part thereof it becomes necessary in the opinion of the Secretary of Highways or of the county commissioners to occupy the whole or any part of the right of way of any public service company the State Department of Highways or the county commissioners as the case may be may enter upon and occupy the whole or any part of such right of way for the purpose of such road highway bridge or tunnel or part thereof Provided That [before such right of way or any part thereof is so occupied] in the case of State highways either the Department of Highways or the county [commissioners as the case may be] accordingly as the one or the other may be responsible for property damages under the provisions of present or future laws governing the payment of damages for property condemned for highway purposes or in the case of county highways the county commissioners shall at the expense of the State or county provide a substitute right of way on another and favorable location and shall provide for the transfer to or reconstruction upon in under or above said substitute right of way of any structures and facilities of said public service company located upon in under or above said original right of way at the time the same is so occupied The Department of Highways or the county commissioners of any county are hereby authorized to acquire [the] by purchase or by the exercise of the right of eminent domain in the same manner that property is now taken and condemned for highway and road purposes any necessary land or right of way for the relocation of any such public service right of way and facilities [by purchase or by the exercise of the right of eminent domain in the same manner that property is now taken and condemned for highway and road purposes] Provided however That the right of way of a railroad company shall not be acquired or occupied under this act without the consent of the company owning or operating or in possession of said railroad

Section 2 That section two of the said act is hereby amended to read as follows

Section 2 [All acts and parts of acts inconsistent herewith are hereby repealed] The authority given by this act to the Secretary of Highways and the county commissioners shall be in addition to and not in derogation of any powers possessed by them under the provisions of other laws

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at lengt.. the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Murrin,	Stevens,
Boose,	Hagerty,	Nagel,	Stewart,
Boyd, R.,	Haluska,	Munley,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2055, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and arministrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes of certain departments, boards, and commissions shall be determined," by adding to section two thousand four hundred nine a new paragraph requiring an additional bond for labor and materials.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Sall the bill pass finally?
Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Scanlon,	Wood,
Dent,	Long,	Sarraf,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1184, entitled:

An Act to further amend section three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" by making a portion of the moneys in the Motor License Fund available for administering the law providing reimbursement for hospitals for services to indigent victims of motor vehicle accidents

On the question,
Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. WELSH. Mr. Speaker, I move that this bill be placed upon the postponed calendar.
The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 2047, entitled:

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphet Laws three hundred and ninety-two), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways, and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hartman,	Panton,	Tahl,
Brown, H. S.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Davies,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,

Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1830, entitled:

An Act providing for one additional law judge of the court of common pleas of the Thirty-second Judicial District

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2053, entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Moul,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,
Barnhardt,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zappala,
Dilley,	Male,	Schwartz,	Zimmerman
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2059, entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Murrin,	Stevens,
Boose,	Hagerty,	Munley,	Stewart,
Boyd, R.,	Haluska,	Murrin,	Stockham,
Boyer,	Hamilton, F. P.,	Nagel,	Stone,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stott,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hartman,	O'Neill,	Tahl,
Brown, J. E.,	Hefferon,	Panton,	Terry,
Brownfield,	Hermansen,	Parks,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, C.,	Trout,
Burke,	Hindman,	Patterson, J. W.,	Tumelty,
Cannon,	Hirsch,	Pearson,	Turner,
Caputo,	Hoffner,	Perry,	Van Allsburg,
Carr,	Holland,	Peters,	Van Sickle,
Carson,	Holstrom,	Pfaff,	Walker,
Castor,	Hoopes,	Phillips,	Wall,
Chervenak,	Horst,	Piole,	Wasserman,
Coakley,	Jackson,	Powers,	Weidemann,
Cochran,	Jones,	Reising,	Weiss,
Cohen,	Kane,	Reynolds,	Welliver,
Coleman,	Kelder,	Rhys,	Welsh,
Condon,	Kelso,	Rinn,	Westrick,
Conner,	Kilroy,	Roan,	White,
Coolahan,	Kinney,	Robinson,	Wickersham,
Cordier,	Klingler,	Rooney,	Wilson,
Davies,	Kobelak,	Root,	Winner,
Decker,	LaRue,	Ruffennach,	Witkin,
Denning,	Linderman,	Ruth,	Wood,
Dent,	Long,	Sarraf,	Woodside,
Diehl,	Longaker,	Scanlon,	Yeakel,
Dilley,	Lovett,	Schrock,	Yourishin,
Downey, G. E.,	Lynch,	Schrope,	Zappala,
Downey, J. J.,	Male,	Schwab,	Zimmerman,
Duffort,	Mallen,	Schwartz,	Sarig,
Eberharter,	Mason,	Shaw,	
		Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2045, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by adding a provision limiting the responsibility of the Commonwealth in the elimination of grade crossings.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2049 entitled:

An Act to amend section one of the act approved the fourth day of May, one thousand nine hundred thirty-three (P. L. 277), entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities, boroughs, or incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," to include as State highways portions of the highway outside municipalities under certain conditions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the ayes and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Diehl,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS——0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1586 entitled:

An Act to establish as a State highway a certain section of public road in the County of Crawford and providing for its construction and maintenance at the expense of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2063, entitled:

An Act authorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department under certain terms and conditions and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1823, entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2096, entitled:

An Act to amend section two, paragraph C of section three hundred thirteen, paragraph C of section four hundred two, sections four hundred eleven, six hundred four, six hundred sixteen, six hundred eighteen, paragraph D of section eight hundred two, and section nine hundred ten, of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," providing for bonds by officers, directors and employes, and for the imposition of membership and withdrawal fees, and regulating dividends and loans on full-paid stock.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and days were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constituiton having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2133, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts refunds of money erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositories for State deposits.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Gates,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Stott,
Brennan,	Harmuth,	Ominsky,	Sumney,
Brown, H. S.,	Hartman,	O'Neill,	Surface,
Brown, J. E.,	Hefferon,	Panton,	Tahl,
Brownfield,	Hermansen,	Parks,	Terry,
Brumbaugh,	Hetrick,	Patterson, C.,	Tronzo,
Burke,	Hindman,	Patterson, J. W.,	Trout,
Cannon,	Hirsch,	Pearson,	Tumelty,
Caputo,	Hoffner,	Perry,	Turner,
Carr,	Holland,	Peters,	Van Allsburg,
Carson,	Holstrom,	Pfaff,	Van Sickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Rinn,	Welsh,
Conner,	Kilroy,	Roan,	Westrick,
Coolahan,	Kinney,	Robinson,	White,
Cordier,	Klingler,	Rooney,	Wickersham,
Davies,	Kobelak,	Root,	Wilson,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Linderman,	Ruth,	Witkin,
Dent,	Long,	Sarraf,	Wood,
Diehl,	Longaker,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yeakel,
Downey, G. E.,	Lynch,	Schrope,	Yourishin,
Downey, J. J.,	Male,	Schwab,	Zappala,
Duffort,	Mallen,	Schwartz,	Zimmerman,
Eberharter,	Mason,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 483, entitled:

An Act to amend section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing such township to prohibit and regulate the manufacture, sale and exposure of fireworks and other inflammable materials, imposing penalties and conferring the right to proceed in equity in exercise of the powers conferred hereby.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Sproul,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Murrin,	Stevens,
Boose,	Hagerty,	Nagel,	Stewart,
Boyd, R.,	Haluska,	Nothnagle,	Stockham,
Boyer,	Hamilton, F. P.,	O'Keefe,	Stone,
Bradley,	Hamilton, R. S.,	Ominsky,	Stott,
Brancato,	Harkins,	O'Neill,	Sumney,
Brennan,	Harmuth,	Panton,	Surface,
Brown, H. S.,	Hartman,	Parks,	Tahl,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Perry,	Tumelty,
Cannon,	Hirsch,	Peters,	Turner,
Caputo,	Hoffner,	Pfaff,	Van Allsburg,
Carr,	Holland,	Phillips,	Van Sickle,
Carson,	Holstrom,	Piole,	Walker,
Castor,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Rinn,	Welliver,
Coleman,	Kelder,	Roan,	Welsh,
Condon,	Kelso,	Robinson,	Westrick,
Conner,	Kilroy,	Rooney,	White,
Coolahan,	Kinney,	Root,	Wickersham,
Cordier,	Klingler,	Ruffennach,	Wilson,
Davies,	Kobelak,	Ruth,	Winner,
Decker,	LaRue,	Sarraf,	Witkin,
Denning,	Linderman,	Scanlon,	Wood,
Dent,	Long,	Schrock,	Woodside,
Diehl,	Longaker,	Schrope,	Yeakel,
Dilley,	Lovett,	Schwab,	Yourishin,
Downey, G. E.,	Lynch,	Schwartz,	Zappala,
Downey, J. J.,	Male,	Shaw,	Zimmerman,
Duffort,	Mallen,	Shortz,	Sarig,
Eberharter,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2130 entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs", as amended, to authorize and empower boroughs to construct or acquire water-works and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof, secured solely by liens thereon, and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SIMON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1791 entitled:

An Act to amend an act approved the third day of June, one thousand nine hundred thirty-three, (Pamphlet Laws one thousand five hundred fifteen), entitled "A supplement to the act approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder;' defining the liability of public or charitable bodies, corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor, and the rights of persons injured in such employment; establishing the State Work Relief Compensation Fund to provide such compensation in certain cases, and providing for the administration of such fund by the State Workmen's Insurance Fund, and making an appropriation therefor," by further defining the compensation to be paid injured work relief employes and further defining the liability of employers for such compensation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eberharter,	Mallen,	Shaw,
Alexander,	Eroe,	Mason,	Shortz,
Allen,	Falkenstein,	McCreary,	Shreiner,
Altenburg,	Ferko,	McDermott,	Shugarts,
Andrews,	Finnerty,	McDevitt,	Siegel,
Arnold,	Fitch,	McElroy,	Simon,
Atkins,	Flanagan,	McHenry,	Simpson,
Aukerman,	Flinchbaugh,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,

Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hartman,	O'Neill,	Surface,
Brownfield,	Hefferon,	Panton,	Tahl,
Brumbaugh,	Hermansen,	Parks,	Terry,
Burke,	Hetrick,	Patterson, C.,	Tronzo,
Cannon,	Hindman,	Patterson, J. W.,	Trout,
Caputo,	Hirsch,	Pearson,	Tumelty,
Carr,	Hoffner,	Perry,	Van Allsburg,
Carson,	Holland,	Peters,	Van Sickle,
Castor,	Holstrom,	Pfaff,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Robinson,	White,
Cordier,	Kinney,	Rooney,	Wickersham,
Davies,	Klingler,	Root,	Wilson,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Sarig,
Duffort,	Male,		

NAYS—2

Schrock,	Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1568, entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by requiring borough records to be open to inspection

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Piole,	Walker,
Castor,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Rinn,	Welliver,
Coleman,	Kelder,	Roan,	Welsh,
Condon,	Kelso,	Robinson,	Westrick,
Conner,	Kilroy,	Rooney,	White,
Coolahan,	Kinney,	Root,	Wickersham,
Cordier,	Klingler,	Ruffennach,	Wilson,
Davies,	Kobelak,	Ruth,	Winner,
Decker,	LaRue,	Sarraf,	Witkin,
Denning,	Linderman,	Scanlon,	Wood,
Dent,	Long,	Schrock,	Woodside,
Diehl,	Longaker,	Schrope,	Yeakel,
Dilley,	Lovett,	Schwab,	Yourishin,
Downey, G. E.,	Lynch,	Schwartz,	Zappala,
Downey, J. J.,	Male,	Shaw,	Zimmerman,
Duffort,	Mallen,	Shortz,	Sarig,
Eberharter,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 440, entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,

Baine,	Gates,	Merrell,	Smith, W. G.,
Baker, F. T.,	Furman,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 952, entitled:

A Supplement to the act approved the twenty-second day of May one thousand eight hundred ninety-five (Pamphlet Laws ninety-nine) entitled "An act to punish pool-selling receiving and transmitting bets or abiding in pool-selling or betting"

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1725, entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Forrest,	Melchiorre,	Smith, J. A.,
Baine,	Furman,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Gates,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Moomaw,	Snyder, J. L.,
Baldi,	Gillette,	Mooney,	Sowers,
Barber,	Green,	Moore,	Spangler,
Barnhardt,	Greenstein,	Moran,	Sproul,
Bernhard,	Habbyshaw,	Moul,	Stank,
Blumberg,	Haberlen,	Muir,	Stevens,
Boose,	Hagerty,	Munley,	Stewart,
Boyd, R.,	Haluska,	Murrin,	Stockham,
Boyer,	Hamilton, F. P.,	Nagel,	Stone,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stott,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hartman,	O'Neill,	Tahl,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	Van Allsburg,
Carson,	Holland,	Phillips,	Van Sickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Rinn,	Welliver,
Condon,	Kelder,	Roan,	Welsh,
Conner,	Kelso,	Robinson,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klingler,	Ruffennach,	Wilson,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zappala,
Duffort,	Male,	Shaw,	Zimmerman,
Eberharter,	Mallen,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2129, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stone,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stott,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hartman,	O'Neill,	Tahl,
Brown, J. E.,	Hefferon,	Panton,	Terry,
Brownfield,	Hermansen,	Parks,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, C.,	Trout,
Burke,	Hindman,	Patterson, J. W.,	Tumelty,
Cannon,	Hirsch,	Pearson,	Turner,
Caputo,	Hoffner,	Perry,	Van Allsburg,
Carr,	Holland,	Peters,	Van Sickle,
Carson,	Holstrom,	Pfaff,	Walker,
Castor,	Hoopes,	Phillips,	Wall,
Chervenak,	Horst,	Piole,	Wasserman,
Coakley,	Jackson,	Powers,	Weidemann,
Cochran,	Jones,	Reising,	Weiss,
Cohen,	Kane,	Reynolds,	Welliver,
Coleman,	Kelder,	Rhys,	Welsh,
Condon,	Kelso,	Rinn,	Westrick,
Conner,	Kilroy,	Roan,	White,
Coolahan,	Kinney,	Robinson,	Wickersham,
Cordier,	Klingler,	Rooney,	Wilson,
Davies,	Kobelak,	Root,	Winner,
Decker,	LaRue,	Ruffennach,	Witkin,
Denning,	Linderman,	Ruth,	Wood,
Dent,	Long,	Sarraf,	Woodside,
Diehl,	Longaker,	Scanlon,	Yeakel,
Dilley,	Lovett,	Schrock,	Yourishin,
Downey, G. E.,	Male,	Schrope,	Zappala,
Downey, J. J.,	Mallen,	Schwab,	Zimmerman,
Duffort,		Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2137, entitled:

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McDermott,	Shreiner,
Alexander,	Falkenstein,	McDevitt,	Shugarts,
Allen,	Ferko,	McElroy,	Siegel,
Altenburg,	Finnerty,	McHenry,	Simon,
Andrews,	Fitch,	McKinney,	Simpson,
Arnold,	Flinchbaugh,	Melchiorre,	Sinwell,
Atkins,	Forrest,	Mentzer,	Sloan,
Aukerman,	Furman,	Merrell,	Smith, J. A.,
Baine,	Gates,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, F. E.,
Baker, J. J.,	Gillette,	Moore,	Snyder, J. L.,
Baldi,	Green,	Moran,	Sowers,
Barber,	Greenstein,	Moul,	Spangler,
Barnhardt,	Habbyshaw,	Muir,	Sproul,
Bernhard,	Haberlen,	Munley,	Stank,
Blumberg,	Hagerty,	Murrin,	Stevens,
Boose,	Haluska,	Nagel,	Stewart,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hartman,	Panton,	Surface,
Brown, H. S.,	Hefferon,	Parks,	Tahl,
Brown, J. E.,	Hermansen,	Patterson, C.,	Terry,
Brownfield,	Hetrick,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hindman,	Pearson,	Trout,
Burke,	Hirsch,	Perry,	Tumelty,
Cannon,	Hoffner,	Peters,	Turner,
Caputo,	Holland,	Pfaff,	Van Allsburg,
Carr,	Holstrom,	Phillips,	Van Sickle,
Carson,	Hoopes,	Piole,	Walker,
Castor,	Horst,	Powers,	Wall,
Chervenak,	Jackson,	Reising,	Wasserman,
Coakley,	Jones,	Reynolds,	Weidemann,
Cochran,	Kane,	Rhys,	Weiss,
Cohen,	Kelder,	Rinn,	Welliver,
Coleman,	Kelso,	Roan,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Conner,	Kinney,	Rooney,	White,
Coolahan,	Klingler,	Root,	Wickersham,
Cordier,	Kobelak,	Ruffennach,	Wilson,
Davies,	LaRue,	Ruth,	Winner,
Decker,	Linderman,	Sarraf,	Witkin,
Denning,	Long,	Scanlon,	Wood,
Dent,	Longaker,	Schrock,	Woodside,
Diehl,	Lovett,	Schrope,	Yeakel,
Dilley,	Lynch,	Schwab,	Yourishin,
Downey, G. E.,	Male,	Schwartz,	Zappala,
Downey, J. J.,	Mallen,	Shaw,	Zimmerman,
Duffort,	Mason,	Shortz,	Sarig,
Eberharter,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1967, entitled:

An Act to amend the title and to further amend section one of the act approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, seven hundred seven), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," by including notice in the title that said act includes indigent patients, whether insane, mental defectives, epileptics, or other mental patients; by extending the provisions of the act to include indigent patients, whether mental defectives, epileptics, or other mental patients; and by further defining the liability of the counties, poor districts and the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Arnold,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1555 as follows:

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" which was amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 503 Refunds of State Taxes License Fees Et Cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys alleged to have been paid to the Commonwealth as the result of an error of law or of fact or of both law and fact and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose or to credit the account of the person association corporation body politic or public officer entitled to the refund All such petitions must be filed with the board within two years of the payment alleged to have been erroneously made except

(1) When the estate upon which any transfer inheritance tax has been erroneously paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been assessed and paid which overvaluation could not have been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue within one year from the termination of such litigation or ascertainment of such overvaluation

(2) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid

on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the board shall be filed within six months after the court shall have rescined its order and adjudication

(3) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconstitutional or under an interpretation of such provision subsequently held by such court to be erroneous In such case the petition to the board shall be filed within five years of the payment of which a refund is requested

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within forty-five days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within the time allowed by law for the payment thereof without interest it may allow the petition and refund the amount of the penalty or any part thereof out of any appropriation or appropriations made for the purpose or credit the accounts of the person association corporation body politic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petitions for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

(d) All petitions filed under this section shall be in such form as the board shall prescribe.

(e) [The action of the board on all petitions filed under this section shall be final] An appeal from the action of the Board of Finance and Revenue disallowing or refusing a refund or a remission of a penalty under the provisions of this section may be taken within sixty days after the action of the board to the court of common pleas of Dauphin County in the same manner and with like effect as in the case of appeals from tax settlements From the decision of the court of common pleas of Dauphin County an appeal may be taken by either the Commonwealth or the petitioner to the Superior or Supreme Court as in other cases Any refund or remission of a penalty as finally determined by the court shall be paid or credited by the board in like manner as refunds or remissions of penalties allowed by the board are paid or credited

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provsiions of the Constitution, the yeas, and nays were taken as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shugarts,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Piole,	Walker,
Castor,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Rinn,	Welliver,
Coleman,	Kelder,	Roan,	Welsh,
Condon,	Kelso,	Robinson,	Westrick,
Conner,	Kilroy,	Rooney,	White,
Coolahan,	Kinney,	Root,	Wickersham,
Cordier,	Klingler,	Ruffennach,	Wilson,
Davies,	Kobelak,	Ruth,	Winner,
Decker,	LaRue,	Sarraf,	Witkin,
Denning,	Linderman,	Scanlon,	Wood,
Dent,	Long,	Schrock,	Woodside,
Diehl,	Longaker,	Schrope,	Yeakel,
Dilley,	Lovett,	Schwab,	Yourishin,
Downey, G. E.,	Lynch,	Schwartz,	Zappala,
Downey, J. J.,	Male,	Shaw,	Zimmerman,
Duffort,	Mallen,	Shortz,	Sarig,
Eberharter,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2132 entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, includ the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotareis, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shreiner,
Alexander,	Ferko,	McDermott,	Shugarts,
Allen,	Finnerty,	McDevitt,	Siegel,
Altenburg,	Fitch,	McElroy,	Simon,
Andrews,	Flanagan,	McHenry,	Simpson,
Arnold,	Flinchbaugh,	McKinney,	Sinwell,
Atkins,	Forrest,	Melchiorre,	Sloan,
Aukerman,	Furman,	Mentzer,	Smith, J. A.,
Baine,	Gates,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gillette,	Mooney,	Snyder, J. L.,
Baldi,	Green,	Moran,	Sowers,
Barber,	Greenstein,	Moul,	Spangler,
Barnhardt,	Habbyshaw,	Muir,	Sproul,
Bernhard,	Haberlen,	Munley,	Stank,
Blumberg,	Hagerty,	Murrin,	Stevens,
Boose,	Haluska,	Nagel,	Stewart,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hartman,	Panton,	Surface,
Brown, H. S.,	Hefferon,	Parks,	Tahl,
Brown, J. E.,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Wilson,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shortz,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1785 entitled:

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name and regulating the service of process and pleadings in such cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman	Falkenstein,	McCreary,	Shreiner,
Alexander,	Ferko,	McDermott	Shugarts,
Allen,	Finnerty,	McDevitt,	Siegel,
Altenburg	Fitch,	McHenry,	Simon,
Andrews,	Flanagan,	McKinney,	Simpson,
Arnold,	Flinchbaugh,	Melchiorre,	Sinwell,
Atkins,	Forrest,	Mentzer,	Sloan,
Aukerman,	Furman,	Merrell,	Smith, J. A.,
Baine,	Gates,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, F. E.,
Baker, J. J.,	Gillette,	Moore,	Snyder, J. L.,
Baldi,	Green,	Moran,	Sowers,
Barber,	Greenstein,	Moul,	Spangler,
Barnhardt,	Habbyshaw,	Muir,	Sproul,
Bernhard,	Haberlen,	Munley,	Stank,
Blumberg,	Hagerty,	Murrin,	Stevens,
Boose,	Haluska,	Nagel,	Stewart,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hartman,	Panton,	Surface,
Brown, H. S.,	Hefferon,	Parks,	Tahl,
Brown, J. E.,	Hermansen,	Patterson, C.,	Terry,
Brownfield,	Hetrick,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hindman,	Pearson,	Trout,
Burke,	Hirsch,	Perry,	Tumelty,
Cannon,	Hoffner,	Peters,	Turner,
Caputo,	Holland,	Pfaff,	Van Allsburg,
Carr,	Holstrom,	Phillips,	Van Sickle,
Carson,	Hoopes,	Piole,	Walker,
Castor,	Horst,	Powers,	Wall,
Chervenak,	Jackson,	Reising,	Wasserman,
Coakley,	Jones,	Reynolds,	Weidemann,
Cochran,	Kane,	Rhys,	Weiss,
Cohen,	Kelder,	Rinn,	Welliver,
Coleman,	Kelso,	Roan,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Conner,	Kinney,	Rooney,	White,
Coolahan,	Klingler,	Root,	Wickersham,
Cordier,	Kobelak,	Ruffennach,	Wilson,
Davies,	LaRue,	Ruth,	Winner,
Decker,	Linderman,	Sarraf,	Witkin,
Denning,	Long,	Scanlon,	Wood,
Dent,	Longaker,	Schrock,	Woodside,
Diehl,	Lovett,	Schrope,	Yeakel,
Dilley,	Lynch,	Schwab,	Yourishin,
Downey, G. E.,	Male,	Schwartz,	Zappala,
Downey, J. J.,	Mallen,	Shaw,	Zimmerman,
Duffort,	Mason,	Shortz,	Sarig,
Eberharter,			
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2136 entitled:

An Act authorizing and regulating the reorganization of banks and trust companies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,

Boyd, R.,	Haluska,	Nagel,	Stockham
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 9, entitled:

An Act to amend clause I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to light the streets highways and public places and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

On the question,

Will the House agree to the bill on third reading?

BILLS POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2236, entitled:

An Act for the protection of the public and the prevention of fraud by prohibiting any person individually or in association or partnership with another person or persons to practice as an accountant auditor certified public accountant or public accountant under a false assumed fictitious or trade name prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shreiner,
Alexander,	Ferko,	McDermott,	Shugarts,
Allen,	Finnerty,	McElroy,	Siegel,
Altenburg,	Fitch,	McHenry,	Simon,
Andrews,	Flanagan,	McKinney,	Simpson,
Arnold,	Flinchbaugh,	Melchiorre,	Sinwell,
Atkins,	Forrest,	Mentzer,	Sloan,
Aukerman,	Furman,	Merrell,	Smith, J. A.,
Baine,	Gates,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, F. E.,
Baker, J J.,	Gillette,	Moore,	Snyder, J. L.,
Baldi,	Green,	Moran,	Sowers,
Barber,	Greenstein,	Moul,	Spangler,
Barnhardt,	Habbyshaw,	Muir,	Sproul,
Bernhard,	Haberlen,	Munley,	Stank,
Blumberg,	Hagerty,	Murrin,	Stevens,
Boose,	Haluska,	Nagel,	Stewart,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hartman,	Panton,	Surface,
Brown, H. S.,	Hefferon,	Parks,	Tahl,
Brown, J. E.,	Hermansen,	Patterson, C.,	Terry,
Brownfield,	Hetrick,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hindman,	Pearson,	Trout,
Burke,	Hirsh,	Perry,	Tumelty,
Cannon,	Hoffner,	Peters,	Turner,
Caputo,	Holland,	Pfaff,	Van Allsburg,
Carr,	Holstrom,	Phillips,	Van Sickle,
Carson,	Hoopes,	Piole,	Walker,
Castor,	Horst,	Powers,	Wall,
Chervenak,	Jackson,	Reising,	Wasserman,
Coakley,	Jones,	Reynolds,	Weidemann,
Cochran,	Kane,	Rhys,	Weiss,
Cohen,	Kelder,	Rinn,	Welliver,
Coleman,	Kelso,	Roan,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Conner,	Kinney,	Rooney,	White,
Coolahan,	Klingler,	Root,	Wickersham,
Cordier,	Kobelak,	Ruffennach,	Wilson,
Davies,	LaRue	Ruth,	Winner,
Decker,	Linderman,	Sarraf,	Witkin,
Denning,	Long,	Scanlon,	Wood,
Dent,	Longaker,	Schrock,	Woodside,
Diehl,	Lovett,	Schrope,	Yeakel,
Dilley,	Lynch,	Schwab,	Yourishin,
Downey, G. E.,	Male,	Schwartz,	Zappala,
Downey, J. J.,	Mallen,	Shaw,	Zimmerman,
Duffort,	Mason,	Shortz,	Sarig,
Eberharter,			
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1110, entitled:

An Act to amend section sixty-two of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" prohibiting the imposition of costs on a defendant in the case of a directed verdict of acquittal.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2197, entitled:

An Act authorizing cities boroughs incorporated towns townships of the first class and schools districts coextensive with townships of the second class to incur temporary indebtedness not in excess of the amount due such municipalities or quasi municipalities from the Liquor License Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2188, entitled:

An Act requiring community welfare organizations federations and associations and community chest organizations to have their accounts and financial affairs audited annually and to furnish copies to contributors on demand and providing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1641, entitled:

An Act for the protection of producers of farm produce providing for the licensing bonding and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1057, entitled:

An Act to amend section ten of the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violation of its provisions" as amended elminating the provisions requiring county commissioners to prepare street lists

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,	Shaw,	
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1357, entitled:

An Act to amend sections one two three four five and seven as amended and sections eleven and fourteen of and to add sections seven and one-tenth seven and two-tenth and seven and three-tenth to the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for the violation of its provisions" providing a system of permanent personal registration for such cities changing the method of appointing registrars and imposing duties and restrictions on county commissioners and registrars

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W G.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler	Root,	Wilson,
Davies,	Kobelak,	Ruffennach	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2116, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" removing the exemptions set forth in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the third day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred seventy seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural work-

ers from the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That nothing contained in any article or any section of an act entitled the Workmen's Compensation Act of one thousand nine hundred and fifteen shall apply to or in any way affect any person who at the time of injury is engaged in domestic service or agriculture Provided however That in cases where the employer of any such person shall have prior to such injury by application to the Workmen's Compensation Board approved by the Board elected to come within the provisions of the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto the provisions of this supplementary act shall not apply

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shugarts,
Alexander,	Falkenstein,	McDermott,	Siegel,
Allen,	Ferko,	McDevitt,	Simon,
Altenburg,	Finnerty,	McElroy,	Simpson,
Andrews,	Fitch,	McHenry,	Sinwell,
Arnold,	Flanagan,	McKinney,	Sloan,
Atkins,	Flinchbaugh,	Melchiorre,	Smith, J. A.,
Aukerman,	Forrest,	Mentzer,	Smith, W. G.,
Baine,	Furman,	Merrell,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Gillette,	Moran,	Spangler,
Barber,	Green,	Moul,	Sproul,
Barnhardt,	Greenstein,	Muir,	Stank,
Bernhard,	Haberlen,	Munley,	Stevens,
Blumberg,	Hagerty,	Murrin,	Stewart,
Boose,	Haluska,	Nagel,	Stockham,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stone,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stott,
Bradley,	Harkins,	Ominsky,	Sumney,
Brancato,	Harmuth,	O'Neill,	Surface,
Brennan,	Hartman,	Panton,	Tahl,
Brown, H. S.,	Hefferon,	Parks,	Terry,
Brown, J. E.,	Hermansen,	Patterson, C.,	Tronzo,
Brownfield,	Hetrick,	Patterson, J. W.,	Trout,
Brumbaugh,	Hindman,	Pearson,	Tumelty,
Burke,	Hirsch,	Perry,	Turner,
Cannon,	Hoffner,	Peters,	Van Allsburg,
Caputo,	Holland,	Pfaff,	Van Sickle,
Carr,	Holstrom,	Phillips,	Walker,
Carson,	Hoopes,	Piole,	Wall,
Castor,	Horst,	Powers,	Wasserman,
Chervenak,	Jackson,	Reising,	Weidemann,
Coakley,	Jones,	Reynolds,	Weiss,
Cochran,	Kane,	Rhys,	Welliver,
Cohen,	Kelder,	Rinn,	Welsh,
Coleman,	Kelso,	Roan,	Westrick,
Condon,	Kilroy,	Robinson,	White,
Conner,	Kinney,	Rooney,	Wickersham,
Coolahan,	Klingler,	Root,	Wilson,
Cordier,	Kobelak,	Ruffennach,	Winner,
Davies,	LaRue,	Ruth,	Witkin,
Decker,	Linderman,	Sarraf,	Wood,
Denning,	Long,	Scanlon,	Woodside,
Dent,	Longaker,	Schrock,	Yeakel,
Diehl,	Lovett,	Schrope,	Yourishin,
Dilley,	Lynch,	Schwab,	Zappala,
Downey, G. E.,	Male,	Schwartz,	Zimmerman,
Downey, J. J.,	Mallen,	Shaw,	Sarig,
Duffort,	Mason,	Shortz,	
Eberharter,		Shreiner,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2177, entitled:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Act No. 14) entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made" providing that certain mortgages shall have priority over such revived municipal claims

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. NAGEL. Mr. Speaker, may I ask the sponsor of this bill to explain to the House its provisions?

Mr. TURNER. Mr. Speaker and members of the House, this House passed and the Governor signed a bill No. 877, providing for the validating of amicable sci. fas. that had been filed after the five year period, but in the passage of that bill we did not protect certain mortgages. There was a condition which arose which was rather embarassing to the Executive department of the administration, and it was necessary to make this amendment. The bill was signed by the Governor on the promise that I would put in a bill making the amendment. This bill is merely making good my promise to the Attorney General's Department and the Governor to make an amendment to a bill that is already an act of this Legislature at the present time.

On the question recurring

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Murrin,	Stevens,
Boose,	Hagerty,	Munley,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,

Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1533 entitled:

An Act empowering cities boroughs incroporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2098 entitled:

An Act to suspend the laws of this Commonwealth authorizing the collection of local taxes by distress and sale of goods and chattels

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,

Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2084 (Senate Bill No. 519), entitled:

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1491 (Senate Bill No. 261), entitled:

An Act to amend section seven hundred and one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by providing that repeals of acts therein contained shall not be construed to revive acts theretofore repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Gates,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Stott,
Brennan,	Harmuth,	Ominsky,	Sumney,
Brown, H. S.,	Hartman,	O'Neill,	Surface,
Brown, J. E.,	Hefferon,	Panton,	Tahl,
Brownfield,	Hermansen,	Parks,	Terry,
Brumbaugh,	Hetrick,	Patterson, C.,	Tronzo,
Burke,	Hindman,	Patterson, J. W.,	Trout,
Cannon,	Hirsch,	Pearson,	Tumelty,
Caputo,	Hoffner,	Perry,	Turner,
Carr,	Holland,	Peters,	Van Allsburg,
Carson,	Holstrom,	Pfaff,	Van Sickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Rinn,	Welsh,
Conner,	Kilroy,	Roan,	Westrick,
Coolahan,	Kinney,	Robinson,	White,
		Rooney,	Wickersham,

Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1159 (Senate Bill No. 86), entitled:

An Act to amend section one as reenacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws one hundred nineteen) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring those receiving bodies to give bond and providing penalties

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. COHEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2135, entitled:

An Act to amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended establishing Saturday half holidays as regards the transaction of banking business.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1915 (Senate Bill No. 4), entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game

birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Siegel,
Altenburg,	Finnerty,	McElroy,	Simon,
Andrews,	Fitch,	McHenry,	Simpson,
Arnold,	Flanagan,	McKinney,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Munley,	Stevens,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Rooney,	Wickersham,
Cordier,	Klingler,	Root,	Wilson,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments in which the concurrence of the Senate is requested.

APPOINTMENT OF COMMITTEE TO INVESTIGATE NORTHAMPTON COUNTY RELIEF BOARD

The SPEAKER. In accordance with the provisions of Resolution No. 124, Printer's No. 738, the Chair appoints the following committee to investigate the Northampton County Relief Board: Messrs. Coakley, VanSickle and Sinwell.

ANNOUNCEMENT BY THE SPEAKER

The Chair is requested to announce that the picture which will be shown here tonight known as "Black Fury" contains a number of scenes which were taken in the House of Representatives and concerns the House of Representatives. The members are requested, if convenient, to attend. I believe that the members will appreciate the picture after they have seen it.

ADJOURNMENT

Mr. CLIFF PATTERSON. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11:00 A. M.

The motion was agreed to, and (at 5:03 P. M.) the House adjourned until Wednesday, April 24, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, APRIL 24, 1935 No. 51

SENATE

WEDNESDAY, April 24, 1935.

The Senate met at 11 o'clock A. M.

The PRESIDENT PRO TEMPORE (Mr. John G. Homsher) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

At this morning hour, Our Father, we deem it proper to offer unto Thee prayer which the men who are being trained for military service in our army pray each week as they worship Thee:

"O God, Thou Searcher of Men's hearts, help us to draw near to Thee in sincerity and truth. May our religion be filled with gladness and may our worship of Thee be natural.

"Strengthen and increase our admiration for honest dealing and clean thinking, and suffer not our hatred of hypocrisy and pretense ever to diminish. Make us choose the harder right instead of the easier wrong, and never to be content with a half-truth when the whole can be won. Endow us with courage that knows no fear when truth and right are in jeopardy.

"Help us to keep ourselves physically strong, mentally awake and morally straight."

We who are civilians and those who are legislators by thus praying shall be better equipped to maintain the honor of our State and our great Union of States.

Thus lead us daily to live for Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HUNSICKER, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. ARON asked and obtained leave of absence for the Senator from Luzerne, Mr. Sordoni, for the balance of the week.

Mr. ARON asked and obtained leave of absence for the Senator from Luzerne, Mr. Harvey.

Mr. REED (Dauphin) asked and obtained leave of absence for the Senator from Schuylkill, Mr. Staudenmeier, on account of death in his family.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petition signed by numerous residents of Armstrong County protesting against the anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

OPPOSING SENATE BILL No. 204.

The Chair also laid before the Senate petitions from several townships of Allegheny County protesting against Senate Bill No. 204.

Which were referred to the Committee on County Government.

OPPOSING SENATE BILL No. 204.

Mr. RODGERS presented petition from the Carnegie Borough Council protesting against Senate Bill No. 204.

Which was referred to the Committee on County Government.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 261.

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 261, entitled:

An Act to amend section seven hundred and one of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airmen and aircraft; establishing the legal status of air navigation; providing for sovereignty in and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," by providing that repeals of acts therein contained shall not be construed to revive acts theretofore repealed.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 519

He also returned to the Senate, Senate Bill No. 519 entitled:

An Act prohibiting the erection and maintenance of obstructions dangerous to aerial future, transport adjacent to or near an airport, landing field, or intermediate landing field.

with the information that the House has passed the same without amendment.

ASSIGNMENT TO COMMITTEE.

The PRESIDENT. The President Pro Tempore of the Senate has received the resignation of the Senator from Chester, Mr. Clark, as a member of the Committee on Judiciary General, and has directed the announcement of the appointment of the Senator from Montgomery Mr. Bean, to fill the vacancy on the Judiciary General Committee.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 440 (Senate Bill No. 1058), entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation.

Which was committed to the Committee on County Government.

House Bill No. 483 (Senate Bill No. 1059), entitled:

An Act to amend section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," by authorizing such township to prohibit and regulate the manufacture, sale and exposure of fireworks and other inflammable materials, imposing penalties and conferring the right to proceed in equity in exercise of the powers conferred hereby.

Which was committed to the Committee on Municipal Government.

House Bill No. 1057 (Senate Bill No. 1060), entitled:

An Act to amend section ten of the act, approved the fifth day of March, one thousand nine hundred and six (P. L. 63), entitled "Personal Registration Law, 3rd Class Cities" as amended: eliminating the provisions requiring county commissioners to prepare street lists.

Which was committed to the Committee on Elections.

House Bill No. 1090 (Senate Bill No. 1061), entitled:

An Act relating to search warrants, regulating their issuance, execution and return, prescribing the powers and duties of justices of the peace, aldermen and magistrates issuing them, and of officers executing them, inflicting penalties for unlawfully procuring, unlawfully executing, and unlawfully resisting the execution of a search warrant.

Which was committed to the Committee on Judiciary General.

House Bill No. 1110 (Senate Bill No. 1062), entitled:

An Act to amend section sixty-two of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "Criminal Procedure Act of 1860" prohibiting the imposition of costs on a defendant in the case of a directed verdict of acquittal.

Which was committed to the Committee on Judiciary General

House Bill No. 1237 (Senate Bill No. 1063), entitled:

An Act to further amend article eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code" by adding a new section limiting the amount of liquid or motor fuel which may be carried.

Which was committed to the Committee on Highways.

House Bill No. 1357 (Senate Bill No. 1064), entitled:

An Act to amend sections one, two, three, four, five and seven as amended, and sections eleven and fourteen of, and to add sections seven and one-tenth, seven and two-tenth, and seven and three-tenth to, the act, approved the fifth day of March, one thousand nine hundred and six (P. L. 63), entitled "Personal Registration Law, 3rd Class Cities," providing a system of permanent personal registration for such cities; changing the method of appointing registrars, and imposing additional duties and restrictions on county commissioners and registrars.

Which was committed to the Committee on Elections.

House Bill No. 1425 (Senate Bill No. 1065), entitled:

An Act to amend section one thousand two hundred and seven of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code"; as amended, including townships of the first class among the recipients of certain fines.

Which was committed to the Committee on Highways.

House Bill No. 1533 (Senate Bill No. 1066), entitled:

An Act empowering cities, boroughs, incorporated towns and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon.

Which was committed to the Committee on Municipal Government.

House Bill No. 1555 (Senate Bill No. 1067), entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," as amended; providing for appeals from refusals of the Board of Finance and Revenue to allow refunds.

Which was referred to the Committee on State Government.

House Bill No. 1568 (Senate Bill No. 1068), entitled:

An Act to amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," by requiring borough records to be open to inspection.

Which was committed to the Committee on Municipal Government.

House Bill No. 1586 (Senate Bill No. 1069), entitled:

An Act to establish as a State highway a certain section of public road in the County of Crawford, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

House Bill No. 1641 (Senate Bill No. 1070), entitled:

An Act for the protection of producers of farm produce, providing for the licensing, bonding and regulation of certain individuals and entities receiving, selling or offering for sale on consignment or on a net return basis within this Commonwealth, farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act, providing for appeals, and prescribing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 1712 (Senate Bill No. 1071), entitled:

An Act to amend section one of the act approved the ninth day of April, one thousand eight hundred and forty-nine (P. L. 533), entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent," by increasing the amount of exemption to five hundred dollars.

Which was committed to the Committee on Judiciary General.

House Bill No. 1725 (Senate Bill No. 1072), entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1785 (Senate Bill No. 1073), entitled:

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name: and regulating the service of process and pleadings in such cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 1791 (Senate Bill No. 1074), entitled:

An Act to amend an act, approved the third day of June, one thousand nine hundred thirty-three (P. L. 1515), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled 'Workmen's Compensation Act of 1915,' defining the liability of public or charitable bodies, corporations and institutions to pay workmen's compensation to persons injured in work relief employment and to carry insurance therefor, and the rights of persons injured in such employment; establishing the State Work Relief Compensation Fund to provide such compensation in certain cases, and providing for the administration of such fund by the State Workmen's Insurance Fund, and making an appropriation therefor," by further defining the compensation to be paid injured work relief employes and further defining the liability of employers for such compensation.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1823 (Senate Bill No. 1075), entitled:

An Act establishing a certain section of public road as a State highway, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committeed to the Committee on Highways.

House Bill No. 1830 (Senate Bill No. 1076), entitled:

An Act providing for one additional law judge of the court of common pleas of the Thirty-second Judicial District.

Which was committed to the Committee on Judiciary General.

House Bill No. 1905 (Senate Bill No. 1077), entitled:

An Act to amend sections six and seven of the act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws, six hundred sixty-one), entitled "An act relating to the maintenance of insance, feeble-minded, and other persons confined in the various institutions of the Commonwealth; fixing liability for their support; providing for the collection of the moneys due the Commonwealth therefor, and for proceedings relating thereto," by defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth for the maintenance and support of insane, feeble-minded, and other persons confined in various institutions of the Commonwealth.

Which was committed to the Committee on Judiciary General.

House Bill No. 1967 (Senate Bill No. 1078), entitled:

An Act to amend the title and to further amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 707), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," by including notice in the title that said act includes indigent patients, whether insane, mental defectives, epileptics, or other mental patients; by extending the provisions of the act to include indigent patients, whether mental defectives, epileptics, or other mental patients; and by further defining the liability of the counties, poor districts and the Commonwealth.

Which was committed to the Committee on County Government.

House Bill No. 1979 (Senate Bill No. 1079), entitled:

An Act to amend section five of the act approved the fifht day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," as amended providing for the removal of certain court clerks only with the approval of a majority of the judges of said court.

Which was committed to the Committee on Judiciary General.

House Bill No. 1976 (Senate Bill No. 1080), entitled:

An Act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

Which was committed to the Committee on Judiciary General.

House Bill No. 2044 (Senate Bill No. 1081), entitled:

An Act to amend the act approved the twenty-third day of May, one thousand eight hundred ninety-one (P. L. 109) entitled "An act to limit the period within which petions for the assessment of damages for the opening or widening of any street, road or highway, may be filed in the court of quarter sessions" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

Which was committed to the Committee on Highways.

House Bill No. 2045 (Senate Bill No. 1082), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by adding a provision limiting the responsibility of the Commonwealth in the elimination of grade crossings.

Which was committed to the Committee on Highways.

House Bill No. 2046 (Senate Bill No. 1083), entitled:

An Act to amend an act, approved the fifth day of July, one thousand nine hundred and seventeen (P. L. 681), entitled "An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department; and providing that certified copies of all records, books, papers, documents, and rulings of the department shall be received in evidence," by providing that the Secretary of Highways, in addition to the certification fee of one dollar ($1.00), also may charge the cost of producing certified copies.

Which was committed to the Committee on State Government.

House Bill No. 2047 (Senate Bill No. 1084), entitled:

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highways routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways, and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

Which was committed to the Committee on Highways.

House Bill No. 2049 (Senate Bill No. 1085), entitled:

An Act to amend section one of the Act, approved the fourth day of May, one thousand nine hundred thirty-three (P. L. 277), entitled "An Act establishing portions of certain highways lying partially within the corporate limits of cities, boroughs, or incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," to include as State highway portions of the highway outside municipalities under certain conditions.

Which was committed to the Committee on Highways.

House Bill No. 2050 (Senate Bill No. 1086), entitled:

An Act to amend the Act entitled "An act to amend the Act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 450), entitled 'An Act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth; and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases, as amended, extending the provisions of said Act to highways in cities," as amended.

Which was committed to the Committee on Highways.

House Bill No. 2052 (Senate Bill No. 1087), entitled:

An Act to amend section seven hundred fifty-five of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "General County Law," by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury approval.

Which was committed to the Committee on County Government.

House Bill No. 2053 (Senate Bill No. 1088), entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

House Bill No. 2054 (Senate Bill No. 1089), entitled:

An Act to amend section one and two of the act approved the seventh day of April, one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of ways of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State Highways.

Which was committed to the Committee on Highways.

House Bill No. 2055 (Senate Bill No. 1090), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by adding to section two thousand four hundred nine a new paragraph requiring an additional bond for labor and materials.

Which was committed to the Committee on State Government.

House Bill No. 2057 (Senate Bill No. 1091), entitled:

An Act authorizing the Secretary of Highways to pay out of the Motor License Fund judgments rendered against employes of the Department for personal injuries when insurance provided by the Commonwealth for such cases, has failed to furnish required protection through insolvency of the insurance carrier, and making an appropriation.

Which was committed to the Committee on State Government.

House Bill No. 2058 (Senate Bill No. 1092), entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway, and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

Which was committed to the Committee on Highways.

House Bill No. 2059 (Senate Bill No. 1093) entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highways Routes under certain conditions.

Which was committed to the Committee on Highways.

House Bill No. 2060 (Senate Bill No. 1094), entitled:

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes; and providing a method of procedure.

Which was committed to the Committee on Highways.

House Bill No. 2061 (Senate Bill No. 1095), entitled:

An Act relating to trees and other obstructions on State Highway Routes and intersecting roads, providing for the removal thereof and the disposition of the logs or wood from such trees under certain conditions.

Which was committed to the Committee on Highways.

House Bill No. 2063 (Senate Bill No. 1096), entitled:

An Act authorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department, under certain terms and conditions, and making an appropriation.

Which was committed to the Committee on Highways.

House Bill No. 2096 (Senate Bill No. 1097), entitled:

An Act to amend section two, paragraph C of section three hundred thirteen, paragraph C of section four hundred two, sections four hundred eleven, six hundred four, six hundred sixteen, six hundred eighteen, paragraph D of section eight hundred two, and section nine hundred ten, of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "Building and Loan Code" providing for bonds by officers, directors and employes, and for the imposition of membership and withdrawal fees, and regulating dividends and loans on full-paid stock.

Which was committed to the Committee on Banking.

House Bill No. 2098 (Senate Bill No. 1098), entitled:

An Act to suspend the laws of this Commonwealth authorizing the collection of local taxes by distress and sale of goods and chattels.

Which was committed to the Committee on Judiciary General.

House Bill No. 2113 (Senate Bill No. 1099), entitled:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton Mine disaster.

Which was committed to the Committee on Appropriations.

House Bill No. 2116 (Senate Bill No. 1100), entitled:

An Act to amend the act approved the third day of June, one thousand nine hundred and fifteen (P. L. 777), entitled "A supplement to an act, entitled 'The Workmen's Compensation Act of 1915,' to exempt domestic servants and agricultural workers from the provisions thereof," removing the exemptions set forth in certain cases.

Which was committed to the Committee on Labor and Industry.

House Bill No. 2129 (Senate Bill No. 1101), entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code" as amended, by exempting in certain cases the security required of depositories for school funds.

Which was committed to the Committee on Education.

House Bill No. 2132 (Senate Bill No. 1102), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Which was committed to the Committee on Banking.

House Bill No. 2133 (Senate Bill No. 1103), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," as amended, by exempting in certain cases the security required of State depositories for State deposits.

Which was committed to the Committee on Banking.

House Bill No. 2135 (Senate Bill No. 1104), entitled:

An Act to amend section one of an act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "Legal Holiday Law," as amended; establishing Saturday half holidays as regards the transaction of banking business.

Which was committed to the Committee on Banking.

House Bill No. 2136 (Senate Bill No. 1105), entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies.

Which was committed to the Committee on Banking.

House Bill No. 2137 (Senate Bill No. 1106), entitled:

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (P. L. 9), entitled "An act relating to banks, trust companies, savings banks and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period.

Which was committed to the Committee on Banking.

House Bill No. 2177 (Senate Bill No. 1107), entitled:

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and thirty-five (Act No. 14), entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed, or a prior revival thereof made," providing that certain mortgages shall have priority over such revived municipal claims.

Which was committed to the Committee on Municipal Government.

House Bill No. 2188 (Senate Bill No. 1108), entitled:

An Act requiring community welfare organizations, federations and associations and community chest organizations, to have their accounts and financial affairs audited annually, and to furnish copies to contributors on demand; and providing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 2197 (Senate Bill No. 1109), entitled:

An Act authorizing cities, boroughs, incorporated towns, townships of the first class and school districts, coextensive with townships of the second class, to incur temporary indebtedness not in excess of the amount due such municipalities or quasi municipalities from the Liquor License Fund.

Which was committed to the Committee on Municipal Government.

House Bill No. 2236 (Senate Bill No. 1110), entitled:

An Act for the protection of the public and the prevention of fraud, by prohibiting any person individually or in association or partnership with another person or

persons, to practice as an accountant, auditor, certified public accountant or public accountant under a false, assumed, or trade name; prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such, and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth; and providing penalties.

Which was committed to the Committee on Corporations.

REPORTS FROM COMMITTEES

Mr. FREY, from the Committee on State Government reported as committed, Senate Bill No. 993 (House Bill No. 1865), entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

Mr. McGINNIS, from the Committee on County Government, reported as committed, Senate Bill No. 974 (House Bill No. 247), entitled:

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners

Mr. REED (Dauphin), from the Committee on County Government, reported as committed, Senate Bill No. 347, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-nine (P. L. 707), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," as amended; providing for credits, first to counties and poor districts when only a portion of the cost and maintenance of insane is collected.

Mr. BATCHELOR, from the Committee on County Government, reported as committed, Senate Bill No. 348, entitled:

An Act to amend the title, and to reenact and amend sections one and two of the act approved the sixteenth day of April, one thousand nine hundred and seven (P. L. 92), entitled "An act defining the duty of coroners, police, and health authorities, in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner," further defining the duties of coroners.

Mr. RANKIN, from the Committee on County Government, reported as committed, Senate Bill No. 989 (House Bill No. 1623), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding a new section providing for the payment over by county officers to the county treasurer of certain unclaimed moneys

HOUSE MESSAGE

SENATE BILL NO. 4 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 4, entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," as requiring chiefs of police or boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. BATCHELOR. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title line 1 page 1 by inserting after the word "amend" the following: "the title section two as amended section nineteen and"; also line 1 by striking out after the word "twenty-nine" the word "and;" also line 1 by inserting after the word "thirty" the following: "thirty-six and thirty-seven as amended;" also page 2 line 4 by striking out at the end of the line the following: "as amended providing for the payment of claims for damages for live stock dying from or killed because of rabies;" and inserting in lieu thereof the following: "requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth

and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs;" "also section 1 page 2 line 4 by striking out at the beginning of the line the word "proved" and inserting in lieu thereof the following: "the title of the act approved;" also line 22 by striking out at the end of the line the following: "as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1036)" and inserting in lieu thereof the word "is;" also page 3 line 3 by striking out the word "further;" also by inserting the following paragraphs after line 4: "An Act relating to dogs and the protection of live stock [and] poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs temporarily imported for trial show and breed. Game Commissioners providing for the assessment of damages done to live stock [and] poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury [and making an appropriation thereof] and providing penalties; Section 2 That section two of said act as amended by section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 833) is hereby further amended to read as follows: Section 2 For the purpose of this act the following terms shall have the following meanings respectively designated for each"; The term "live stock" shall include horses stallions colts geldings mares sheep rams lambs bulls bullocks steers heifers cows calves mules jacks jennets burros goats kids swine confined domesticated hares and rabbits; the term "poultry" shall include all domestic fowl; the term "game bird" shall include all game birds as defined by the "Game Law" of the Commonwealth; the word "person" shall include State and local officers or employes individuals corporations copartnerships and associations Singular words shall include the plural; Masculine words shall include the feminine and neuter.

The word "owner" when applied to the proprietorship of a dog shall include every person having a right of property in such dog and every person who keeps or harbors such dog or has it in his care and every person who permits such dog to remain on or about any premises occupied by him

The term "kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding sale or show purposes and which is so constructed that dogs cannot stray therefrom

The term "police officer" shall mean any person employed or elected by this Commonwealth or by any municipality county or township and whose duty it is to preserve peace or to make arrests or to enforce the law The term includes State constabulary game fish and forest wardens

Section 3 That section nineteen of said act is hereby amended to read as follows

Section 19 It shall be the duty of every police officer to seize and detain any dog or dogs which bear a proper license tag and which are found running at large either upon the public streets or highways of the Commonwealth or upon the property of other than the owner of such dogs and unaccompanied by the owner or keeper Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog or dogs which have been found running at large unaccompanied by the owner or keeper when such police officer is in immediate pursuit of any such dog or dogs

It shall be the duty of every police officer to kill any dog which does not bear a proper license tag which is found running at large The Chief of Police or his agents of any city borough town and township the high constable of any borough or the constable of any borough not having a high constable and the constable of any incorporated town or township shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed and shall cause immediate notice either personal or by registered mail to be given to the person in whose name the license was procured or his agent to claim such dog within ten days The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention under the provisions of this section before the dog is returned

Section 4 That sections twenty-six twenty-nine and thirty of said act as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1036) are hereby further amended to read as follows

Also page 3 line 6 by adding after the word "poultry" the following: "or to game birds raised in captivity and while confined within an enclosure"; also line 8 by inserting after the word "poultry" the following: "or game bird raised in captivity and while confined within an enclosure"; also line 12 by inserting at the beginning of the line the words "or game bird"; also page 4 line 2 by inserting after the word "poultry" the words "or game bird"; also line 23 by inserting after the word "poultry" the words "or game bird"; also line 29 by inserting after the word "poultry" the words "or game birds"; also page 5 line 3 by inserting after the word "poultry" the words "game birds"; also page 6 line 26 by inserting after the word "poultry" the words "or game bird"; also page 7 line 4 by inserting after the word "poultry" the words "or game birds" also line 5 by inserting after the word "poultry" the words "or game birds"; also line 13 by inserting after the word "poultry" the words "or game birds"; also line 21 by inserting after the word "turkey" the words "or wild turkey"; also line 24 by inserting after the word "poultry" the words "or game birds"; also by inserting the following sections after line 24:

Section 5 That section thirty-six of said act as amended by section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (P. L. 1713) is hereby further amended to read as follows

Section 36 Any person violating or failing or refusing to comply with any of the provisions of this act shall upon conviction in a summary proceeding before a magistrate alderman or justice of the peace be sentenced to pay a fine of not less than five dollars nor more than one hundred dollars and costs of prosecution or to undergo imprisonment not exceeding thirty days or both

All fines collected under the provisions of this act shall be forthwith paid to the county treasurer and by him paid into the State Treasury through the Department of Revenue.

In any case brought by an agent of the Department of Agriculture where a conviction results and the costs are not paid but the defendant committed the costs of theh justice of the peace magistrate or alderman and of the officer serving the warrant or process shall be paid by the Commonwealth

Section 6 That section thirty-seven of said act as amended by section five of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eleven) is hereby further amended to read as follows

Section 37 [Nothing in this act shall be construed to prevent the owner of a licensed dog from recovering by action at law the value of any dog which dog has been illegally killed by any police officer or any other person within this Commonwealth from said police officer or other person If after suit such police officer or other person fails to pay the value of such dog so killed the same shall be paid by the State] The Commonwealth shall be liable to the owner of any legally licensed dog for the value thereof if illegally killed by any police officer or other person and the Commonwealth may thereupon recover the amount so paid to such owner from the police officer or other person doing the illegal killing by an action at law The value of said dog shall be ascertained in the same manner as provided in section twenty-six of this act for assessing the damage done to live stock by dogs and shall in no case exceed one hundred dollars for any one dog

Section 7. This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Thompson,
Cavalcante,	Kahle,	Rankin,	(Centre)
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Westmoreland
Coyne,	Mallery,	Reed,	Trainer,
Ealy,	McClure,	(Washington)	Woodward,
Frey,	McCreesh,	Rice,	Ziesenhelm,
Gelder,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 1111, entitled:

An Act making an appropriation to the J. C. Blair Memorial Hospital, of Huntingdon, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1112, entitled:

An Act making an appropriation to the Nason Hospital Association, of Roaring Spring, Blair County, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1113, entitled:

An Act making an appropriation to the Altoona Hospital, of Altoona, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1114, entitled:

An Act making an appropriation to the Mercy Hospital of Altoona, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1115, entitled:

An Act making an appropriation to the Blair County Children's Home, at Williamsburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

RESOLUTION RECALLING SENATE BILL NO. 256 FROM THE GOVERNOR

Mr. THOMPSON (Centre) offered the following resolution, which was twice read, considered and agreed to:

CONCURRENT RESOLUTION

In the Senate April 24, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 256, Printer's No. 141, entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. WOODWARD, from the Committee on Finance reported as committed, the following Resolution:

In the Senate of Pennsylvania, April 22, 1935.

Resolved (if the House of Representatives concur), That the Legislatures of the States of New York, New Jersey, Delaware, Maryland, West Virginia and Ohio be respectfully invited to arrange to have their respective Senate and House committees dealing with revenue legislation or sub-committees thereof, meet with the Finance Committee and Ways and Means Committee of the Senate and House of Representatives of Pennsylvania on May , 1935, for the purpose of discussing uniform revenue legislation to relieve the burden of taxation on real estate;

Resolved, That a copy of this resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of each of said states by the Chief Clerk of the Senate.

Mr. WOODWARD. Mr. President, I ask unanimous consent that Rule 39, which requires that concurrent resolutions lie on the table, be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. THOMPSON (Centre). Mr. President, I object.

Mr. WOODWARD. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON (Centre). Mr. President. I will.

Mr. WOODWARD. Mr. President, I desire to ask the Senator from Centre, Mr. Thompson, why he objects to the immediate consideration of this resolution.

Mr. THOMPSON (Centre). Mr. President, I would just like an opportunity to think about it a little while.

Mr. WOODWARD. Mr. President, all right. Does the Senator from Centre, Mr. Thompson, want to think all the rest of the week about it?

Mr. THOMPSON (Centre). Mr. President, at least another day.

The PRESIDENT. The Chair hears objection and the resolution will lie on the table.

JOINT LEGISLATIVE COMMISSION ON INTERSTATE COOPERATION.

Mr. RUPP. Mr. President, I move that the Senate do now proceed to the consideration of Senate Resolution Serial No. 120, reported from Committee on State Government on April 16th.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, March 25, 1935.

Resolved (if the House of Representatives concur), That there is hereby established the Joint Legislative Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding, and cooperation between the State of Pennsylvania and the other states of the Union, both regionally and nationally;

The Commission shall report to the Governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. Its members shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this resolution. It may employ a secretary and such other assistants as are needed in the performance of its duties, or it may share the expense of such employment with similar commissions of other states. An item of appropriation shall be inserted in the general appropriation law to pay such expenses and secretarial and clerical assistance;

The said Commission shal be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate;

The five members of the Committee on Interstate Cooperation of the House of Representatives, and

Five officials of the State named by the Governor, one of whom shall be designated by him as the chairman of the Commission;

The Secretary of the Commonwealth shall forthwith communicate the text of this measure to the legislature of each of the other states of the Union, with the respectful request that each legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition, and conflict.

Mr. RUPP. Mr. President, I move the adoption of the resolution just read.

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. RUPP. Mr. President, I desire to inform the Senate that this resolution was introduced at the request of the American Legislators' Association, an association to which the Senate, some time ago, appropriated $4,000 as a subscribing member. The resolution provides for the appointment of a joint legislative commission on interstate co-operation. I believe that the purpose and motive of this resolution is a very good one, and that it commends itself to the support of every Senator here.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

CONSIDERATION OF THIRD READING BILLS DEFERRED

Mr. BUCKMAN. Mr. President, I move that the consideration of bills on third reading be deferred until Monday and that the Senate do now proceed to the consideration of bills on second reading.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 144, as follows:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every application for unemployment or poor relief or any other form of relief for the needy made to any district or county relief board or to the directors or overseers of the poor or to any other agency of this Commonwealth or any of its political subdivisions distributing such relief shall be in writing and signed by the applicant and the applicant shall certify therein that all statements contained therein are true and correct

Any person who makes any misrepresentation or misstatement in any such application for the purpose of obtaining any such relief is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or to undergo imprisonment for not less than three months nor more than one year or both

Section 2 It shall be unlawful for any district or county relief board poor district or other agency or for any officer investigator agent or employe thereof to knowingly approve the application of any person for relief in the form of money orders for food clothing fuel or shelter unless such person is legally entitled to relief or to knowingly grant to any person not legally entitled thereto any relief in any form whatever or for any person whatever to conspire with another person in order to enable such other person to secure relief in any form or for any person receiving relief to sell any order issued to him or her for cash or part cash or other consideration or to sell any food clothing fuel or other article secured on relief order for cash or other consideration

Any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or to undergo imprisonment for not less than three months nor more than one year or both

Section 3 It shall be the duty of every district and county relief board poor district and other agency upon obtaining information evidencing any violation of this act to cause a prosecution to be entered against the person deemed guilty thereof in the manner provided by law for the prosecution of misdemeanors

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 165, as follows:

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by providing for the revocation and denial of hunting licenses for certain acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by section eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 444) is hereby further amended to read as follows

Section 310 Revocation of Licenses Right to Hunt Denied The Department of Revenue upon request of the board shall revoke any hunter's license and deny any person the right to secure a license or to hunt anywhere in this Commonwealth with or without a license for a period of from one to two years if said licensee or person has either been convicted or signed an acknowledgment of violating any game law or if such licensee or person has been convicted in any court of record of having destroyed or carried away notices posted by the Commonwealth or personal property or crops of any kind on lands in which such licensee or person may have been hunting or has been convicted of being careless in the use of firearms while hunting and thereby caused injury to human life or live stock or has been convicted of causing forest fires or of being intoxicated while using firearms for the purpose of hunting The license of any person convicted of a second or subsequent offense of violating any of the laws shall be revoked by the Department of Revenue upon request of the board as herein provided and such person is hereby denied the right to secure a license or to hunt anywhere in this Commonwealth with or without a hunter's license for a period of not less than two or more than three years from the date of such conviction In any case of hunting accidents in which a human being is injured by gun fire and no legal proceedings have been taken for the arrest and conviction of the offender the executive secretary of the board through a representative appointed by him may thoroughly and completely investigate such hunting accident in which a human being is injured by gun fire Such representative shall hold hearings and shall have the power to subpoena witnesses expert and otherwise and administer oaths The representative shall have the power to require and receive sworn or affirmed written statements and to consider such statements in making his recommendations A stenographic record of all hearings shall be made which the representative shall submit together with his findings of facts and recommendations to the board through the executive secretary Upon such findings the board is hereby authorized to recommend the revocation of the licenses of the offenders

The Department of Revenue shall upon request of the board revoke the license and deny the right to secure a license or to hunt anywhere in this Commonwealth with or without a license for a period of from one to five years as the board may recommend of any person who after hearing as aforesaid shall be found by the board to have through carelessness or negligence injured another person by gun fire while hunting

The license of any person who shall be subpoenaed before such representative and who shall fail to appear before such official without furnishing satisfactory reason for failure to do so or of any person who shall appear and furnish false testimony shall be revoked by the Department of Revenue at the request of the board for a period of one year

The Department of Revenue shall revoke the license of and deny the right to secure a license or to hunt anywhere in this Commonwealth with or without a license to any person found to have caused injury to another by gun fire through carelessness or negligence on a second occasion for such period as the board shall request To revoke a license then in force or to deny any person the right to secure a license or to hunt anywhere in this Commonwealth for any period the Department of Revenue shall send a written notice to that effect to such person at his address either by registered mail or have it delivered in person by a representative of the Department of Revenue As long as licenses continue to be issued hereunder by the county treasurers the Department of Revenue shall furnish in writing to the county treasurer of each county the name address and the term for which such person has been denied the right to secure a license or to hunt in this Commonwealth together with any other data said Department may deem necessary

Any person whose hunting license has been revoked by the Department of Revenue in case of hunting accidents as aforesaid atfer hearing before a representative of the board shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the court of common pleas of the county in which the licensee resides and such court is hereby vested with jurisdiction and it shall be its duty to set the matter down for hearing upon (30) days' written notice to the executive secretary and to determine whether the petitioner is subject to revocation of license

The department when such appeal is taken shall file with the prothonotary a certified record of the proceedings in the matter which shall include the proceedings before the board and the representative of the board who conducted the investigation and all evidence taken at any hearing on the matter including sworn statements and stenographic notes of testimony

The matter shall be heard by a judge or judges of the court without a jury and the proceedings before the department and the board and the representative of the board conducting the investigation shall be given similar weight force and effect as are accorded to the findings and reports of a referee selected or appointed under the provisions of the act approved the fourteenth day of May one thousand eight hundred and seventy-four entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" and its supplements

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 179, as follows:

An Act to amend clause (a) section two of an act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388) entitled "An act re-

lating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the adjoining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non composmentis have removed out of the State have died refused to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" as amended by an act approved the second day of May one thousand nine hundred and nineteen (P. L. 111) extending the provisions of sai dact to cases where real estate is held by the surviving tenant of an estate by entireties whose spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (a) section two of an act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weakminded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non composmentis have removed out of the State have died refused to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" as amended by an act approved the second day of May one thousand nine hundred and nineteen (P. L. 111) is hereby amended to read as follows

(a) Where the legal title is held (One) By Minors lunatics or habitual drunkards so duly found by inquisition or by weak-minded persons for whom guardians have been appointed (Two) By a wife whose husband is a minor or by a married minor whose spouse is a minor or by a married woman or married man whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years or who is the surviving tenant of an estate by entireties and whose spouse the other tenant of such estate by entireties has been absent and unheard from for seven yaars under those circumstances from which the law would presume his or her decease (Three) By corporations of any kind having no capacity to convey or by any unincorporated association (Four) By any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real esate is held in excess of the amount prescribed by its charter or now or hereafter prescribed by law (Five) By a corporation of any kind or individual or individuals and is subject to a trust of any description whatever (Six) By any person who may have been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease (Seven) Or any interest therein is held by any person under legal disability to dispose thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent that Senate Bill No. 241, on second reading, entitled:

An Act to amend section four hundred and two of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended relating the issuance of special licenses to taxidermists

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 249, as follows:

An Act to further amend section five of the act approved the ninteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" providing that no affidavit of defense shall be required before the return day of the writ

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended by section one of the act approved the nineteenth day of March one thousand nine hundred and twenty-three (Pamphlet Laws fourteen) is hereby further amended to read as follows

Section 5 The defendant or party intervening shall within fifteen days after the filing of such declaration file an affidavit of defense thereto setting up the facts denying plaintiff's title and showing his own title to said goods and chattels replevied he may proceed to recover do upon proof that a copy of said declaration was served upon him or his attorney judgment may be entered for the plaintiff and against the defendant or party intervening which judgment shall operate to forfeit any counter bond given by him The court may enter judgment with like effect for want of a sufficient affidavit of defense or for such goods and chattels by writ of retorno habendo or property of the plaintiff in the affidavit of defense or may enter judgment with like effect for such goods and chattels as to which the court may adjudge the affidavit of defense insufficient And in the event of judgment being rendered in favor of the plaintiff for a portion of such goods and chattels and in event of his failure so to such goods and chattels as may be admitted to be the the value thereof after assessment of damages on a writ of inquiry of damages issued and the case shall be proceeded in for recovery of the balance If the defendant has been duly summoned and does not appear at the return-day of the writ the plaintiff having filed his declaration may file a common appearance for the defendant and proceed in the cause as in other cases Where the writ has been returned nihil habet as to the defendant it shall be lawful for the plaintiff at and after the third term of the court after the execution of the writ to take judgment against the defendant for default of appearance Provided That the plaintiff fifteen days prior to the entry of said judgment shall have filed his declaration And provided further That no affidavit of defense shall be required to be filed under the provisions of this act in any case before the return day of the writ

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 263 (House Bill No. 195), entitled:

An Act to further amend section seven hundred four of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the use of dogs in hunting bear or the chasing of bear by dogs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 300, as follows:

An Act providing that parties furnishing material supplies fixtures or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics' liens therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act no person partnership or corporation furnishing material supplies fixtures or equipment for the erection alteration repair or remodeling of any building or structure where such person partnership or corporation furnished such material supplies fixtures or equipment under bailment lease or conditional sales contract or any other instrument or contract by which the person partnership or corporation so furnishing such material supplies fixtures or equipment reserves the title to such material supplies fixtures or equipment or the right to reacquire the title to same shall have any right to file any mechanic's lien claim to secure payment for such material supplies fixtures or equipment

Section 2 This act shall take effect immediately upon its final enactment

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 408 (House Bill No. 852), entitled:

An Act to amend section ninety-eight of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the purchase sale and exposing for sale of certain pike and fillets thereof

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 563, as follows:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as

other portions of said battlefield and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose of further perpetuating and preserving the place in Westmoreland County Pennsylvania where on August fifth and sixth one thousand seven hundred and sixty-three occurred the battle of Bushy Run in which Colonel Henry Bouquet defeated the Indians in one of the most decisive engagements in American Colonial history the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission is hereby authorized to purchase tracts of land adjoining the present Bushy Run Battlefield State Park and especially the land where fifty soldiers killed in the said battle are buried as well as other lands constituting district on which the battle was waged

Section 2 The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the acquisition of lands adjacent to the present Bushy Run Battlefield State Park the erection of monuments or memorials the improvement restoration and maintenance of said addition to present park and expenses incurred in carrying out the provisions of this act Payment from said appropriation shall be made by requisition of the Secretary of Forests and Waters on the Auditor General in the manner provided by law

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 591 (House Bill No. 927), as follows:

An Act to preserve the purity of the waters of the Commonwealth and to avoid the danger of fire by requiring the owners operators and lessees of abandoned bituminous coal mines and workings to seal the entries and air shafts thereof and conferring powers upon the Department of Mines to carry into effect the provisions of this act

Whereas, It is a known fact that the combination of exygen and water is necessary to liberate the sulphuric acid content from the pyrites of iron and sulphur in coal seams thus making mine water discharge impure and also that the caving in of pit mouths thus cutting off the air shortly makes the seepage coming from the abandoned mine again pure therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be the duty of each and every owner operator or lessee of any abandoned bituminous coal mine or abandoned working which is discharging polluted water which flows into any of the streams or rivers of this Commonwealth or which is in danger of being set afire to shoot down or cause to be shot down or otherwise seal or cause to be sealed the entries and air shafts of such abandoned coal mine or working for the purpose of cutting off the supply of air from the abandoned mine or working

Section 2 In case any such owner operator or lessee of any such abandoned bituminous coal mine or working shall fail neglect or refuse to seal or cause to be sealed the openings of the same within sixty days after notice so to do by the Department of Mines it shall be the duty of said Department to enter upon the land or lands where the entries and air shafts to such abandoned mines or workings are located and to shoot down or otherwise seal such openings as provided by this act

Section 3 Where the owner operator or lessee of any such abandoned bituminous coal mine or working is unknown not in being or his or its whereabouts unknown then in such case the Department of Mines is hereby authorized to enter upon the land or lands where the entries and air shafts to such mines or workings are located and shoot down or otherwise seal such openings

Section 4 Upon complaint of any individual or political subdivision whose interests are affected by such polluted mine water discharge it shall be the duty of the Department of Mines to notify the owner operator or lesee of such abandoned coal mine or working and upon his or its failure to shoot down or cause to be shot down or otherwise seal or cause to be sealed the entries of such mines or workings to enter upon the property and perform the work necessary to bring about such sealing as provided for in sections two and three of this act

Section 5 The cost of performing the work necessary to carry out the provisions of this act shall be paid by the Commonwealth from appropriations made to the Department of Mines and/or from such allotments as may be made for this purpose by the relief and/or public works authorities or agencies of the Commonwealth and/or the United States of America

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 603, as follows:

An Act to amend section six of the act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 857) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers con-

trollers receivers of taxes police officers and other officials of said cities and upon the court judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the apyment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" changing the qualifications of persons to be appointed as registrars

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 857) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" is hereby amended to read as follows

Section 6 The commissioners shall not later than August fifteenth of each year appoint four registrars for each election district as hereinafter provided and designate two of them one of whom shall be of the majority party to have charge of the two registers as hereinafter provided The registrars must be duly qualified electors of the said district and shall have been residents of the city for a period of two years and of the ward for one year immediately preceding their appointment They must be sober and judicious persons of good moral character able to read intelligently and to write legibly Two of the registrars shall be members of the party [polling the highest vote] enrolling the largest number of voters in its party within the election district [at] for the last preceding November election and one at least shall be a member of the party [polling] enrolling the next highest number of votes [at] for said election The commissioners shall provide at all times a board of registrars not more than two of whom shall be [of] enrolled in the same political [faith] party If therefore it appears at any time that by reason of a change in political affiliations or because of error in the appointment a board is not so divided any ten electors of the election district may file a petition with the commissioners setting forth the facts and praying that one or more of the appointments may be revoked and that other appointments may be made Upon presentation of such a petition one of the commissioners shall fix a time not less than five days thereafter and at least three days' notice shall be given by mail to all the registrars of such board who are [alleged to be of the same political faith] enrolled in the same party when a public hearing shall be given all concerned and if the facts are then found to be as represented the commissioners shall give the relief asked for

Whenever expedient they may appoint the assessor of any election district if otherwise qualified as one of the registrars but no other person who holds or is a candidate for public office shall act as registrar

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 610, as follows:

An Act to carry into effect section eleven of article one of the Constitution of the Commonwealth of Pennsylvania by designating the manner the courts and the cases in which suits may be brought against the Commonwealth defining the procedure in such cases and providing for the payment of judgment interest and cost by the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That suits in assumpsit upon contracts express or implied and suits in trespass for negligence growing out of the construction operation or maintenance of any public work building or highway may be brought against the Commonwealth of Pennsylvania in the court of common pleas in the county in which the cause of action arose or in the county where the seat of government is located and such suits may be prosecuted to final determination subject to appeal in the same manner and within the same limitations as to time as in the case of suits in assumpsit and trespass between individuals Nothing contained in this section however shall be construed to repeal or impair the provisions of the Workmen's Compensation Act of 1915

Section 2 No action shall be instituted nor cause maintained under the provisions of this act which shall have arisen prior to the date of the approval of this act

Section 3 Process in actions commenced under the provisions of this act shall be served upon the Attorney General or any of his deputies in the same manner and with like effect as in the case of suits between individuals

The Attorney General or any of his deputies are authorized to accept service of any process in any such suit against the Commonwealth The practice and proceedings shall conform in all respects to the laws of this Commonwealth and the rules of court regulating similar cases between individuals

Section 4 In all suits brought under the provisions of this act it shall be incompetent to maintain as a defense that the Commonwealth is a sovereign power and is immune from liability

Section 5 In all cases where final judgment is obtained against the Commonwealth the records of such judgment shall be certified to the Auditor General who shall thereupon draw his warrant upon the State Treasurer for the payment of such judgment interest and costs All such judgments shall be paid out of the moneys appropriated by the General Assembly from time to time for the payment of such judgments

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 735, as follows:

An Act to amend sections nine and fifteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" reducing the amount required to be paid by the person redeeming lands sold at tax sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine and fifteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and colectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" are hereby amended to read as follows

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible No such sale shall discharge the lien of any mortgage which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages ground rents municipal claims and/or other taxes and no such sale shall discharge the lien of any ground rent municipal claim or tax remaining unpaid Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by anyone interested in said real estate for the benefit of the owner thereof at any time within two years after such sale by the payment to the county treasurer of the full amount which the purchaser paid to said treasurer for taxes interest and costs and [twenty-five per centum of the amount of tax in addition thereto] interest at the rate of six per centum from the date of sale to the date of redemption In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assessed as seated lands were at the time unseated

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but it such real estate is not redeemed then all liens against the same except such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made

Section 15 If any owner his heirs or legal representatives or any lien creditor his heirs assigns or legal representatives or other person interested shall within two years after the day such sale was made redeem such real estate for the benefit of the owner by payment of the taxes and interest for which the lands were sold and the costs [with an additional sum of twenty-five per centum] and interest at the rate of six per centum from the date of sale to the date of redemption and any taxes which may have been levied against any such property since the treasurer's sale and which remain unpaid by the owner or redeemer to the county treasurer he shall receive and receipt for the same and pay said taxes interest costs and [additional percentage] interest thereon over to the purchaser upon demand and the accrued taxes to the district entitled thereto and the county treasurer shall forthwith acknowledge the receipt of the redemption moneys upon the margin of the acknowledment of the treasurer's deed as the same is entered and recorded in the prothonotary's office as aforesaid and if said deed has been recorded in the office for recording of deeds cause an entry to be made on the margin of the record of the deed in the office of the recorder of deeds by marking thereon the word "redeemed" which shall be signed by the county treasurer and attested by the recorder of deeds and thereafter said deed shall be void and of no effect If such deed be not recorded then such owner or person interested as aforesaid shall be entitled to have the treasurer's deed delivered to such owner creditor heir assign legal representative or persons interested for cancellation The county treasurer shall certify all such redemptions to the boards of county commissioners who shall enter the same on the Tax Return Docket and who shall certify such redemptions to the county assessors so that the property may thereafter be assessed in the name of the owner

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 736, as follows:

An Act to amend section four of the act approved the thirteenth day of March one thousand eight hundred and fifteen (Pamphlet Laws one hundred seventy-seven) entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes and for other purposes,'" by reducing the amount required to be paid by the person redeeming unseated lands sold at tax sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the thirteenth day of March one thousand eight hundred and fifteen (Pamphlet Laws one hundred seventy-seven) entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes and for other purposes'" is hereby amended to read as follows

Section 4 And be it further enacted by the authority aforesaid That if the owner or owners of lands sold as aforesaid shall make or cause to be made within two years after such sale an offer or legal tender of the amount of the taxes for which the said lands were sold and the costs together with (the additional sum of twenty-five per cent on the same) interest at the rate of six per centum from the date of sale to the date of redemption to the county treasurer who is hereby authorized and required to receive and receipt for the same and to pay it over to the said purchaser upon demand and if it shall be refused by the said treasurer or in case the owner or owners of lands so sold shall have paid the taxes due on them previously to the sale then and in either of these cases said owner or owners shall be entitled to recover the same by due course of law but in no other case and on no other plea shall an action be sustained and it is hereby declared that so much of the act to which this is a supplement as requires notice of the taxes being due and sale thereon to be given in certain public newspapers is repealed and that no alleged irregularity in the assessment or in the process or otherwise shall be construed or taken to affect the title of the purchaser but the same shall be declared to be good and legal Provided That where the owner or owners of land sold as aforesaid shall at the time of such sale be an orphan or orphans or insane and residing within the United States two years after such disability is removed shall be allowed such person or persons their heirs or legal representatives to bring their suit or action for recovery of the lands so sold but where the recovery is affected in such cases the value of the improvements made on the land so sold after the sale thereof shall be ascertained by the jury trying the action for recovery and paid by the person or persons recovering the same before he she or they shall obtain possession of the lands so recovered

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 737, as follows:

An Act to amend section one of the act approved the third day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred twenty-eight) entitled "An act supplementary to the several acts of this Commonwealth for the sale of Unseated Lands" by reducing the amount required to be paid by the person redeeming such lands under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the third day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred twenty-eight) entitled "An act supplementary to the several acts of this Commonwealth for the sale of Unseated Lands" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in case of the sale by land county treasurer of any unseated tract or tracts of land for taxes which may be interfered with by the surveys or titles of other claimants to said tract or tracts it shall be lawful for any such claimant of claimants within two years after any existing or future sale to offer or tender the legal amount of taxes assessed upon so much of the said tract or tracts of land as shall be included within the liens aforesaid to the county treasurer who hold title and the cost together with (the additional twenty-five per cent on the same) interest at the rate six per centum from the date of sale to the date of redemption equal to the proportionate part so included within the liens aforesaid to the counyt treasurer who is hereby authorized and required to receive and receipt for the same and pay it over to the purchaser on demand which said redemption shall be as effectual for the protection to all intents and purposes of said claimant or claimants', title within the lines of his survey or claim as if the said redemption had been made for and included all the land within the lines of said interferences any law usage or custom to the contrary notwithstanding

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 738, as follows:

An Act To amend section three of the act adyroved the ninth day of March one thousand eight hundred and forty-seven (P. L. 279) entitled "An act supplementary to acts relating to recording of deeds" by reducing the amount required to be paid by joint tenants tenants in common or co-partners of unseated lands in redeeming such lands sold at tax sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the ninth day of March one thousand eight hundred and forty-seven (P. L. 279) entitled "An act supplementary to acts relating to recording of deeds" is hereby amended to read as follows

Section 3 That if any joint tenants tenants in common or co-partners of unseated lands sold for taxes have made or shall hereafter make within two years after such sale an offer or legal tender of a proportionate part of the amount of the taxes for which the said lands were sold and of the costs together with [the additional sum of twenty-five cents on the same] interest at the rate of six per centum from the date of sale to the date of redemption equal to the proportionate part of interest in and of the land so held by him her or them to the county treasurer who is hereby authorized and required to receive and receipt for the same and pay it over to the purchaser on demand then and in that case the said joint tenant tenants in common and co-partners shall be entitled to recover their share and interest in said lands by due course of law and shall hold and enjoy the same with the purchaser at said sale as tenants in common

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 743 (House Bill No. 885), entitled:

An Act to amend section one of the act approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013), entitled "An act regulating the issuance of licenses to marry; prohibiting the issuance of such licenses to certain persons; regulating the time during which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court; and prescribing the duties of the clerk of the orphans' court," by requiring three days to elapse between the application for, and the issuance of, the license.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 745 (House Bill No. 1093), entitled:

An Act to amend section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal water of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added changing the licensure year for motor boats.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 792 (House Bill No. 1084), entitled:

An Act to amend sections one and two of the supplement approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-one) entitled "A supplement to the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled 'An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' by discontinuing the necessity of securing permits for the erection of certain dams."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 794 (House Bill No. 1383), entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 876, as follows:

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (P. L. 9) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section five of the act approved the eighth day of March one thousand nine hundred and thirty-three (P. L. 9) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" is hereby amended to read as follows

Section 5 The powers hereby conferred upon the Secretary of Banking shall terminate six months after the approval of this act by the Governor but the Governor may extend the effective period of this act by proclamation for an additional period not exceeding [two] four years

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 888, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonweaith or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any

agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 505 of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the first day of June one thousand nine hundred and thirty-one (P. L. three hundred eighteen) is hereby further amended to read as follows

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or State supervision and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largely held by a few individuals and the length of time that said institution has been engaged in business under its charter Each such statement shall be verified by the oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2 Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure payment of deposits and interests to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one-fourth of the total amount of the bond required Provided that in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer of United States municipal or county bonds to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof provided that no bonds or other security shall be required of State depositories for State deposits to the extent that such State deposits are insured under the provisions of Section 12 B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market The said board may fix different rates of interest for active and inactive depositories and may adopt and promulgate rules governing the time when interest shall begin to run on deposit of uncollected items The board shall fix the specific day of which any change in interest rate shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and three banks or trust companies in other parts of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located in any of the counties above mentioned or in any other county of the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed.

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsoever to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys.

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The secretary shall however not vote on any question coming before the board

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 890, as follows:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in

the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 509 of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1152) is hereby further amended to read as folows

Section 509 The board of school directors in any school district in this Commonwealth may designate one or more banks or trust companies as a depository or depositories for its school funds No such depository shall be named unless it receives a majority of the votes of the entire school board elected or appointed on such district and such depository before receiving any of the school funds shall except as in this section otherwise provided furnish a proper bond in such amount and with such surety or surieties as may be required to be approved by the board of school directors and conditioned upon the faithful keeping paying out and accounting for all of the school funds and property of said school district that may come into its hands as well as for the payment of all interest on money deposited in such depository in acordance with any contract made by it with said school district The funds of the school district shall be deposited as directed by the board of school directors in such depository by the school treasurer in the name of the school district and after any funds have been deposited with such regularly designated depository by any school treasurer he shall thereafter be relieved from all liability therefor and all school orders drawn on the school treasurer for any funds so deposited by him shall be endorsed by said treasurer and made "Payable at ..... depository of the School District of ....." Provided That no school district in this Commonwealth shall deposit with any designated depository any amount in excess of thirty-three and one-third per centum of the total capital stock and surplus of such depository

In lieu of one or more surety bonds the deposit of school funds may be secured by the deposit with the board of school directors or with any bank or trust company other than the designated depository within the Commonwealth which may be agreed upon of bonds or other interest-bearing obligations of the United States of the Comonwealth of Pennsylvania or of any state of the United States or other bonds to be approved by the board Provided That in school districts of the second third and fourth classes such securities shall be only bonds or other interest-bearing obligations of the United States of this Commonwealth of any state of the United States or bonds of any county city borough incorporated town township school district or other political subdivision of this Commonwealth or of any other state of the United States which has not at any time within the five years immediately preceding the date of the deposit of such bonds by the depository failed punctually to pay the matured principal and interest on all of its indebtedness

Provided That no bonds on other security shall be required of a depository for such school funds to the extent that such funds are insured under the provisions of Section 128 of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements

When collateral security is thus deposited in lieu of one or more surety bonds the total amount of such bonds and obligations thus deposited measured by their actual market value shall be equal to the amount of the deposits secured and twenty per centum in addition All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer Such trust deposit in the event of any depreciation in value shall be maintained on request in writing of the board of school directors at the amount provided herein

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RODGERS. Mr. President, I move that Senate Bill No. 895, on second reading, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records, provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

be recommitted to the Committee on Judiciary General.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 925 (House Bill No. 1807), entitled:

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 953, as follows:

An Act to amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (P. L. 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended making possible the con-

current sentencing of persons convicted of more than one offense in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (P. L. 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (P. L. 975) is hereby further amended to read as follows:

Section 6 Whenever any person convicted in any court of this Commonwealth of any crime punishable by imprisonment in a State penitentiary shall be sentenced to imprisonment therefor in any penitentiary or other institution of this State or in any county or municipal institution the court instead of pronouncing upon such a convict a definite or fixed term of imprisonment shall pronounce upon such convict a sentence of imprisonment for an indefinite term Stating in such sentence the minimum and maximum limits thereof and the maximum limit shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense and the minimum limit shall never exceed one-half of the maximum sentence prescribed by any court

Provided That if such person shall have been convicted or called for sentence at the same time for another offense or other offenses not punishable by imprisonment in a State penitentiary and the sentencing court desires to impose both or all penalties to run concurrently or consecutively it shall be lawful in such cases for the court to impose such sentences for imprisonment in the same institution regardless of existing statutory provisions governing the lesser offenses

And provided That nothing herein contained shall be construed to derogate from the power of the judges of the courts of quarter sessions and of the courts of oyer and terminer or other court of record having jurisdiction of the several judicial districts of the Commonwealth after due inquiry to release on parole any convict confined in the county jail house of correction or workhouse of their respective districts as provided in section one of an act approved the nineteenth day of June one thousand nine hundred and eleven (P. L. 1059) entitled "An act extending the powers of judges of courts of quarter sessions and of oyer and terminer in relation to releasing prisoners in jails and workhouses on parole" its amendments and supplements And provided further That no person sentenced for an indeterminate term shall be entitled to any benefits under the act entitled "An act providing for the commutation of sentences for good behavior of convicts in prisons penitentiaries workhouses and county jails in this State and regulations governing the same" approved the eleventh day of May Anno Domino one thousand nine hundred and one

And provided further That before any parole shall be granted pursuant to the terms hereof notice of an intention so to do shall be given at least ten days prior thereto by the board of prison inspectors to the judge of the county who imposed the sentence if he be still in office but otherwise to the judge or judges of the court of oyer and terminer or the court of quarter sessions then in session or if there be no current term then to the next ensuing term thereof and having jurisdiction of cases of the like character Similar notices shall also be given to the district attorney then in office in said county

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 957, as follows:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class providing for the organization of a board for superintending and managing the drawing and selecting of jurors and prescribing its powers and duties conferring powers and imposing duties and liabilities on the sheriff imposing duties on registration commissions and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the first class the judges of the courts of common pleas with the sheriff shall constitute a board for superintending and managing the drawing and selecting of jurors to serve in the several courts of the county One member of any one of said courts with the sheriff or his duly authorized deputy shall be a quorum of said board for the transaction of business The board may appoint a secretary whose salary and expenses shall be fixed by the board and paid as other county officers and employes are paid

Section 2 Prior to the first Monday of December in each year the sheriff shall for the use of the board procure from the registration commission or other officer or officers having the information a certified list of all the registered electors of the county setting out their names places of residence and occupation and prior to the third Monday of December in each year it shall be the duty of the board or a quorum thereof to assemble together and select from said list of registered electors a sufficient number of sober healthy and discreet citizens to constitute the several panels of jurors grand and petit that may be required for service in the several courts for the next ensuing year in due proportion from the several political subdivisions of the county and from the several wards of such political subdivisions and from the principal avocations

Section 3 The names of registered electors so selected with their respective places of residence and occupation shall in the presence of the board be written on separate pieces or slips of paper which shall then and there be placed in a closed wheel to be provided by and kept in the exclusive custody of the sheriff securrely locked sealed or otherwise guarded from intrusion A list of the names residences and occupations so selected and placed in the wheel shall be certified by the members of the board then present to the prothonotary to be filed by him for preservation and public inspection One other such list shall be made out and kept in the custody of the secretary of the board

Section 4 Whenever the board or a quorum thereof shall be of the opinion that it will be necessary to place additional names in the wheel the board or a quorum thereof shall select from the lists of registered electors from which selections were made prior to the preceding third Monday of December the names of such number of sober healthy and discreet citizens as may in their judgment be necessary to supply all the venires that may be issued during the current year Such names when so selected shall be placed in the wheel and a list of the names residences and occupations of the persons so selected and placed in the wheel shall be certified by the members of the board then present in the manner and as required in the preceding section of this act

Section 5 No person shall be exempt from serving as a juror in any of the courts of the county unless he shall have filed an affidavit setting forth the ground for such exemption with the clerk of the board prior to the first day of July in the year next preceding that for which he shall claim exemption Any such affidavit when filed shall be submitted to a judge of one of said courts and if it shall set forth good and sufficient grounds for exemption the name of such person shall not be placed in the wheel containing the names of jurors for the next succeeding year

Section 6 At least three weeks before the commencement of each term of any of the courts the board or a quorum thereof shall assemble and cause to be drawn from the wheel as many of the names therein deposited

as may be necessary to serve as ground and petit jurors for any in each of the courts according to the command of the venire or venires directed to the sheriff One list of the names residences and occupations so drawn shall be certified by the board to the proper court with the venire issued therefrom and one other list of said names occupations and residences shall be duly certified to the sheriff

Section 7 It shall be the duty of the sheriff to summon each of the jurors in the manner now practiced to appear in the court for which he may be drawn on a day specified in the summons to serve as a juror during the ensuing term The summons shall be served on each juror at least ten days before the time fixed for his appearance The sheriff shall make return of each service under oath to the proper court stating the time and manner of such service

Section 8 No person summoned as a juror shall be excused from service except in open court on good cause shown to the satisfaction of the court If any juror so summoned and not excused shall fail to attend the court until duly discharged he shall be fined for the use of the county not less than thirty nor more than two hundred dollars to be recovered by attachment or such other appropriate process as the court may direct

Section 9 Whenever talesmen are required in any of the courts the sheriff shall produce the wheel in open court and in the presence of the judges thereof draw therefrom five names for every talesman required which names so drawn shall be immediately noted on the minutes of the court whereupon a venire shall be issued requiring the sheriff to bring into court any one of the five persons so drawn to serve as a tales juror No tales puror shall be selected or served in any other manner The tickets or slips so drawn from the wheel shall be returned thereto

Section 10 No citizen whose name has bene duly drawn and who has served as juryman for one full term shall be liable to be again drawn and summoned as a juror for the succeeding period of one year

Section 11 The sheriff shall preserve the wheel secure from all interference of others If the board on any examination the members thereof may institute into the condition of the wheel and its contents shall discover that any names have been surreptitiously introduced or withdrawn therefrom it shall be evidence of misdemeanor committed by the sheriff Thereupon it shall be the duty of any member of the board to bind him over to answer at the next court of quarter sessions for such misdemeanor and on conviction thereof he shall be punished by fine and imprisonment at the discretion of the court The fine shall be not less than two hundred dollars and the imprisonment if any not less than three months in the county jail

Section 12 Any of the duties enjoined on the sheriff by this act may be performed by his duly appointed deputy under the same penalties herein provided Provided That if such deputy shall be unable or refuse to pay any fine imposed by this act the sheriff shall be liable to pay the same

Section 13 All acts and parts of acts general local or special inconsistent herewith or supplied hereby are hereby repealed

Section 14 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 983 (House Bill No. 1476), entitled:

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 991 (House Bill No. 1699), entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 992 (House Bill No. 1806), entitled:

An Act to further amend section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1003, as follows:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property situated in Ambridge Beaver County Pennsylvania formerly owned and ocupied by the Harmony Society and known as "Old Economy" Such moneys shall be paid out on requisition of the Department of Public Instruction upon presentation of proper vouchers by the Pennsylvania Historical Commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1008, as follows:

An Act making an appropriation to the Pittsburgh Home for Babies Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pittsburgh Home for Babies Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1009, as follows:

An Act making an appropriation to the Children's Hospital of Pittsburgh in the city of Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Children's Hospital of Pittsburgh in the city of Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1010, as follows:

An Act making an appropriation to the Coleman Industrial Home for Colored Boys of one thousand seven hundred and twenty-one Bedford Avenue Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of six thousand five hundred dollars ($6,500) or so much thereof as may be necessary is hereby specifically appropriated to the Coleman Industrial Home for Colored Boys of one thousand seven hundred and twenty-one Bedford Avenue Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1011, as follows:

An Act making an appropriation to the Passavant Hospital of Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety thousand dollars ($90.000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Passavant Hospital of Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1012, as follows:

An Act making an appropriation to the Pittsburgh Hospital Association Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety-five thousand dollars ($95,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Pittsburgh Hospital Association Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three doilars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rules requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1013, as follows:

An Act making an appropriation to the Pennsylvania Association for the Blind Incorporated at Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Association for the Blind Incorporated at Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rules requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1015, as follows:

An Act to amend sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (P. L. 7) entitled "An act to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to or from each" by requiring a majority vote in each city and in the intervening land voting on the question of consolidation

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwealth of Pensylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (P. L. 7) entitled "An act to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to or from each" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That wherever in this Commonwealth now or hereafter two cities shall be contiguous or in close proximity to each other the two with any intervening land other than boroughs may be united and become one by annexing and consolidating the lesser city and the intervening land other than boroughs of any with the greater city and thus making one consolidated city if at an election to be held as hereinafter provided there shall be a majority of all the votes cast in each city in favor of such union

Section 7 If it shall appear by the vote when computed and certified as aforesaid that a majority of all the lawful voters in each of the two cities and the intervening land voting upon such question have voted in favor of the annexation or consolidation the said court of quarter sessions shall enter a decree annexing and consolidating the leser city and by intervening land other than boroughs with the greater city so that they form but one city and in the name of the greater or larger city but if a majority of the electors so voting in any one of the cities shall vote against annexation the proceedings shall be dismissed and the question of annexation shall not again be submitted to the vote of the electors for a period of less than two years from the date of such election

Section 11 Whenever it shall happen that the said cities and the intervening land if any to be united are located in whole or in part in distinct counties then the respective courts of quarter sessions of each county and the courts of common pleas of each county as well as the commissioners and other officers of each county shall have respectively the jurisdiction and power and each shall perform the duties hereinbefore enumerated in respect to the said consolidation including all steps preceding and succeeding such consolidation within the limits of each county respectively

If more than one election shall be held the results of all the elections shall ultimately be certified to the court of quarter sessions of the county in which the larger city is located and the question whether the two cities and the intervening land if any shall be united and become one consolidated city shall be determined by the majority vote of all the lawful voters of each of the said two cities and of the intervening land if any cast as said election duly held for or against such consolidation and the result shall be decreed by the court

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1037, as follows:

An Act making an appropriation for the purpose of reimbursing county treasuries for moneys refunded or to be refunded to owners of liquor licenses in accordance with the provisions of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1052) entitled "An act providing for the refunding of retail liquor license fees and additional taxes to holders of licenses to sell vinous spirituous malt or brewed liquors or any admixture thereof or intoxicating liquor where the act of Assembly under the authority of which such licenses were granted has been repealed by the General Assembly of one thousand nine hundred and twenty-three prior to the expiration of the license year for which such licenses were issued providing for the payment of such refund in certain cases by the county in which such license was granted and the repayment to such county by the city borough township and State of their respective shares of such refund and for the payment of such refund in certain cases by the State alone providing the procedure in such cases and making an appropriation"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated for the purpose of reimbursing the several county treasuries for the amounts paid out or payable out as refunds on retail liquor licenses in acordance with the provisions of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1052) entitled "An act providing for the refunding of retail liquor license fees and additional taxes to holders of licenses to sell vinous spirituous malt or brewed liquors or any admixture thereof or intoxicating liquor where the act of Assembly under the authority of which such licenses were granted has been repealed by the General Assembly of one thousand nine hundred and twenty-three prior to the expiration of the license year for which such licenses were issued providing for the payment of such refund in certain cases by the county in which such license was granted and the repayment to such county by the city borough township and State

of their respective shares of such refund and for the payment of such refund in certain cases by the State alone providing the procedure in such cases and making an appropriation"

Payments of said appropriation shall be made by warrant of the Auditor General on the State Treasurer in the usual manner

And said bill habing been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1046 (House Bill No. 1885), entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty- five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 283, entitled:

An Act for the extension of Capitol Park in the City of Harrisburg, and for the acquisition of real estate in connection therewith, and for the demolition of the buildings and structures thereon, and making an appropriation.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN RESOLUTION RECALLING SENATE BILL NO. 256 FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 24, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 256, Printer's No. 141, entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an air craft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit,"

be recalled from the Governor for the purpose of amendment.

MEMORIAL IN HONOR OF BRIGADIER-GENERAL CASIMIR PULASKI

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, January 14, 1935.

Whereas, in the course of the Revolutionary War and at a time when the American forces were in great need of assistance, there arrived in this county, among others, a nobleman of Polish birth, to wit, Casimir Pulaski, and

Whereas, the service rendered by him was of great value and assistance to the cause of American independence and of such high importance that on September 15, 1777, he was appointed Brigadier-General of the Continental Army and Chief of Dragoons, and on March 28, 1778, he was designated commander of an independent corps known as "Pulaski's Legion," and

Whereas, it is the sense and feeling of the members of the Polish Union of the United States of North America, a fraternal benefit society, with headquarters in the City of Wilkes-Barre, and with a membership of over 50,000 members, that proper permanent recognition should be given to the memory of Brigadier-General Casimir Pulaski, whose illustrious service in the war for American Independence is well-known to all who are familiar with our history.

Therefore, Be it Resolved, That the General Assembly of the State of Pennsylvania be requested to take the necessary and proper steps for erecting and constructing some permanent memorial in honor of Brigadier-General Casimir Pulaski at some suitable location associated with the struggle of the American forces for independence.

RESOLUTION RELATIVE TO PURCHASE OF POTATOES BY EMERGENCY RELIEF BOARD

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on State Government:

House of Representatives, April 24, 1935.

Whereas, potatoes are one of the most important cash crops of Pennsylvania farmers, and

Whereas, Pennsylvania is one of the five leading potato growing states; therefore be it

Resolved (if the Senate concur), that it is the sense of the General Assembly that the State Emergency Relief Board continue its policy of buying potatoes grown in Pennsylvania for Pennsylvania relief needs.

CONGRESS MEMORIALIZED TO PASS LEGISLATION, GIVING FEDERAL GOVERNMENT CONTROL OVER MUNITION PLANTS

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Federal Relations:

In the House of Representatives, January 21, 1935.

During those days when democracy was at stake and a fevered urge of patriotism caused Americans to buy liberty bonds until it hurt, in order that this Nation might throw into the balance that weight of arms that was needed to turn the tide of victory against the Hohenzollerns, there were those here at home who grew fat on the sacrifices made by their countrymen.

While American youth was shot to pieces on the battlefields of France, the fortunes of munition makers in America grew and grew.

Profits here kept far ahead of sacrifices over there, and the dangers there faced and the trials there endured and the misery there suffered but added to the vast sums that made rich and kept safe the unconscionable profiteers at home.

Late investigations of the earnings of munition plants during the war have revealed that of which no one even dreamed.

That men and corporations could so profit on patriotism and take and take while others were giving and giving was never conceived.

If love of country will not prevent seemingly high-minded citizens from enriching themselves at the cost of their fellow men, then the government must step in and substitute its power for their utter lack of conscience; therefore be it

Resolved (if the Senate concur), That the Senate and House of Representatives of this General Assembly of the Commonwealth hereby memorializes the Congress of the United States to pass legislation to make impossible the profits heretofore enjoyed by munition makers by giving to the Federal Government rigid control over munition plants and the power to operate such plants, either in peace or war times, and to at once direct the undertaking and carrying on of a thorough and detailed study of a plan for industrial mobilization during periods of war in order to make excess profits to corporations and individuals impossible in the future; and be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate and the Chief Clerk of the House of Representatives to the presiding officers of the Senate and the House of Representatives of the Congress of the United States with the request that the same be read and then be referred to the proper committees for immediate action.

RESOLUTION REQUESTING FUNDS FOR CONSTRUCTION OF MUNICIPAL SEWAGE TREATMENT WORKS

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Federal Relations.

In the House of Representatives, April 24, 1935.

Whereas, The Federal Government has created a fund of $4,000,000,000 for Public Works to relieve unemployment; and

Whereas, The Conservationists and sportsmen of Pennsylvania are urging the control and gradual elimination of stream pollution; and

Whereas, It is of importance to the health and welfare of the people of the Commonwealth that the streams be relieved of the waste and poison which is now polluting them; and

Whereas, The construction of municipal sewage disposal plants is one of the desired steps in purifying the streams and of relieving filtration plants of excess loads; and

Whereas, Because of the limitation upon their borrowing capacity and the large amount of delinquent taxes, it is impossible for many municipalities to proceed with the desired construction of sewage treatment works; therefore be it

Resolved (if the Senate concur), That the Federal authorities be requested to allocate to the Commonwealth of Pennsylvania such sum or sums as it may find upon investigation, to be necessary for the construction of municipal sewage treatment works and that such sums be requested as outright grants in order to enable such municipalities to proceed with these improvements.

Resolved, That a copy of this resolution be forwarded to the Public Works Administration by the Chief Clerk of this House.

BILL SIGNED

The PRESIDENT PRO TEMPORE (Mr. John G. Homsher) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 4, entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destrication in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," as requiring chiefs of police or boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because or rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs.

Senate Bill No. 261, entitled:

An Act to amend section seven hundred and one of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, alderman, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition and repealing certain existing laws," by providing that repeals of acts therein contained shall not be construed to revive acts therefore repealed.

Senate Bill No. 149, entitled:

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors becoming incapacitated.

Senate Bill No. 710, entitled:

An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg, and making an appropriation.

Senate Bill No. 519, entitled:

An Act prohibiting the erection and maintenance of obstructions dangerous to aerial future, transport adjacent to or near an airport, landing field, or intermediate landing field.

House Bill No. 88, entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appriation therefor

House Bill No. 450, entitled:

An Act to amend section two of the act, approved the twenty-eighth day of June, one thousand eight hundred and ninety-five (P. L. 408), entitled "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," as amended; providing for payments to relief fund associations of fire departments and fire companies of cities, boroughs and townships which afford fire protection to near or adjacent boroughs and townships.

House Bill No. 452, entitled:

An Act to amend part of section one of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 455), entitled "State Representative Law," by changing such districts in Lancaster County.

House Bill No. 1023, entitled:

An Act prohibiting the sale and distribution of medicines drugs, poisons and articles intended for use in the cure, mitigation, treatment or prevention of disease in man or animal by means of vending machines.

House Bill No. 445, entitled:

An Act supplementing the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes' Retirement Law," by providing additional credit for service and prior service for State employes who were formerly employed as teachers, principals or superintendents in the public school system of the Commonwealth.

House Bill No. 1043, entitled:

An Act to amend section one, of the act approved the eighth day of April, one thousand eight hundred and sixty-seven, (P. L. 50), entitled "An act to permit disabled soldiers to peddle, by procuring a license therefor, without charge," as amended, governing the issuing of licenses.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. John G. Homsher) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on Municipal Government re-reported as amended, Senate Bill No. 800 (House Bill No. 1151), entitled:

An Act to amend sections two thousand nine hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing further exception to the tax on transient merchants.

Also from the Committee on Municipal Government re-reported as amended, Senate Bill No. 801 (House Bill No. 1152), entitled:

An Act to amend section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred and thirty-two) entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating theretto" by providing further exceptions to the tax on transient merchants.

Also from the Committee on Municipal Government reported as amended, Senate Bill No. 868 (House Bill No. 1838), entitled:

An Act requiring cities of the third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

Also from the Committee on Municipal Government re-reported as committed, Senate Bill No. 870 (House Bill No. 1153), entitled:

An Act to further amend section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK, from the Committee on Appropriations, reported as committed, Senate Bill No. 1055, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History, and creating a commission for such purposes.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1111, entitled:

An Act making an appropriation to the J. C. Blair Memorial Hospital of Huntingdon, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1112, entitled:

An Act making an appropriation to the Nason Hospital Association, of Roaring Spring, Blair County, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1113, entitled:

An Act making an appropriation to the Altoona Hospital, of Altoona, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1114, entitled:

An Act making an appropriation to the Mercy Hospital of Altoona, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1115, entitled:

An Act making an appropriation to the Blair County Children's Home, at Williamsburg, Pennsylvania.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Highways reported as committed, the following Resolution, which was laid upon the table:

In the House of Representatives, March 19, 1935.

Whereas, Under existing law the township supervisors in townships of the second class will be required to fix the annual tax levies for road and street purposes for their respective townships for the year 1935, on or before March 25, 1935, and

Whereas, It appears that sufficient time may not remain to enact suitable legislation before the said date to allocate to the townships the unencumbered balance of funds appropriated to the Department of Highways for expenditure in townships of the second class, under the provisions of the Parkinson Act approved June 3, 1933, P. L. 1520, and

Whereas, It is the intention of the General Assembly to enact such legislation in order to secure to the owners of real estate, relief from the burden of taxation; therefore be it

Resolved (if the Senate concur), That the General Assembly hereby authorizes and requests the township supervisors in all townships of the second class to reduce road tax levies for the year 1935, if any are to be made, as compared to the 1932 road tax levies, in the approximate amount of the allocation of funds to be made to them for expenditure in 1935 as herein set forth; the General Assembly hereby declares its purpose forthwith to enact suitable legislation to provide for the allocation and payment to the various townships of the second class for expenditure for general road and bridge purposes, of the unencumbered balance as of April 1, 1935, of the funds allocated by the Department of Highways for expenditure under the terms of the above cited Parkinson Act, exclusive of the sum of $2,365,000, heretofore, transferred to the General Fund for relief purposes; the amount of such allocation to be approximately $4,400,000; the allocation of such funds to the various townships of the second class to be made on the basis of the number of miles of Township Roads in each township bears in proportion to the total mileage of Township Roads in all townships of the second class and shall provide for payment of the funds so allocated in three equal installments on June 15th, September 15th and December 15th, 1935; such payment to be made only to townships which reduce their 1933 tax levy in accordance with the intent of this resolution; and to provide further that townships which levied no tax in 1932 shall receive an allocation on the basis of $50 per mile of public highway under the jurisdiction of such township, and that the Courts, in order to effectuate the tax relief intended by this legislation, may make appropriate changes in any agreements which have been made and approved under the provisions of existing laws for the maintenance and construction of township roads by taxpayers.

Mr. McCLURE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE from the Committee on Municipal Government reported as committed, Senate Bill No. 825 (House Bill No. 1064), entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 588, entitled:

An Act to amend sections three thousand five hundred and thirty and three thousand five hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the acquisition of competing water companies operating wholly without the city limits and authorizing a city to extend its water-pipes or supply water in territory outside the boundaries of said city.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 588, just reported from the Committee on Municipal Government, be recommitted to the Committee on Public Utilities.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on Education reported as committed, Senate Bill No. 709, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the establishment of courses of college studies in school districts of the first and second class.

Also from the Committee on Public Health reported as committed, Senate Bill No. 1014, entitled:

An Act to amend section two, clause (1) of section three, and sections five, ten and eleven of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subjects to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," by redefining the term "dental hygienist;" providing additional grounds for the revocation or suspension of licenses; limiting the appellations permitted to be used; authorizing the issuance of duplicate certificates and regulating practice thereunder; limiting the scope of practice as a dental hygienist, and increasing the power of the Board as to suspension and reinstatement of licenses.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 440, entitled:

An Act establishing as State highways subject to certain restrictions all existing township roads in townships of the second class which have not heretofore been established as State highways and providing for their maintenance and repair and for the vacation of certain of said roads.

Also from the Committee on Highways reported as committed, Senate Bill No. 875, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said

act," by changing and abandoning a portion of route No. 35018 in Township of South Abington in Lackawanna County.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Education reported as committed, Senate Bill No. 947, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts alone or jointly with other school districts, to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies and to fix fees therefor.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Public Health reported as committed, Senate Bill No. 967 (House Bill No. 1698), entitled:

An Act to amend sections three five seven eight ten twelve and thirteen of and to add section fifteen A to the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

Mr. PYTKO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO from the Committee on Public Health reported as committed, Senate Bill No. 946, entitled:

An Act relating to the buying, selling and transportation of live and dressed poultry; requiring poultry dealers to be licensed; requiring records of sales and purchases of poultry to be kept; imposing duties and liabilities on opultry dealers, poultry producers and other persons buying and selling poultry, and on county farm agents and the Department of Agriculture; and prescribing penalties.

BILL RECOMMITTED

Mr. PYTKO. Mr. President, I move that Senate Bill No. 946, just reported from the Committee on Public Health, be recommitted to the Committee on Agriculture.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Municipal Government reported as committed, Senate Bill No. 683 (House Bill No. 1245), entitled:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" eliminating compensation to owners whose property is destroyed to abate nuisances.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH, from the Committee on Agriculture, re-reported as amended, Senate Bill No. 930 (House Bill No. 1721), entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four one thousand nine hundred thirty-three one thousand nine hundred thirty-four (P. L. 174) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON, from the Committee on Public Health, reported as amended, Senate Bill No. 928 (House Bill No. 1082), entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

Mr. REED (Washington). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on Education, reported as committed, Senate Bill No. 212, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to ratify, confirm, and validate, payments on such contracts by the school district.

Mr. RICE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on Education, reported as committed, Senate Bill No. 787 (House Bill No. 638), entitled:

An Act to amend clauses (b) and (c) of section seven, and section eight of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" as amended; providing an expiration date of licenses; defining the qualifications of applicants for licensure, and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman, conferring powers and duties upon the Department of Public Instruction in connection therewith; and eliminating penalties for failure to renew.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 216 (House Bill No. 284), entitled:

An Act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 212, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to ratify, confirm, and validate payments on such contracts by the school district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 216 (House Bill No. 284), entitled:

An Act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 283, entitled:

An Act for the extension of Capitol Park in the City of Harrisburg, and for the acquisition of real estate in connection therewith, and for the demolition of the buildings and structures thereon, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 347, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-nine (P. L. 707), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," as amended; providing for credits, first to counties and poor districts when only a portion of the cost and maintenance of insane is collected.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 348, entitled:

An Act to amend the title, and to reenact and amend sections one and two of the act approved the sixteenth day of April, one thousand nine hundred and seven (P. L. 92), entitled "An act defining the duty of coroners, police, and health authorities, in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner," further defining the duties of coroners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 683 (House Bill No. 1245), entitled:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" eliminating compensation to owners whose property is destroyed to abate nuisances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 709, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the establishment of courses of college studies in school districts of the first and second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 787 (House Bill No. 638), entitled:

An Act to amend clauses (b) and (c) of section seven and section eight of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" as amended providing an expiration date of licenses defining the qualifications of applicants for licensure and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman conferring powers and duties upon the Department of Public Instruction in connection therewith and eliminating penalties for failure to renew.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 825 (House Bill No. 1064), entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 868 (House Bill No. 1838), entitled:

An Act requiring cities of the third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 875, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing and abandoning a portion of route No. 35018 in Township of South Abington in Lackawanna County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 928 (House Bill No. 1082), entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 947, entitled:

An Act to amend article nineteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts alone or jointly with other school districts, to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies and to fix fees therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 967 (House Bill No. 1698), entitled:

An Act to amend sections three five seven eight ten twelve and thirteen of and to add section fifteen A to the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 974 (House Bill No. 247), entitled:

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 989 (House Bill No. 1623), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding a new section providing for the payment over by county officers to the county treasurer of certain unclaimed moneys

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 993 (House Bill No. 1865), entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (P. L. 171) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1014, entitled:

An Act to amend section two clause (1) of section three, and sections five, ten and eleven of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subjects to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," by redefining the term "dental hygienist;" providing additional grounds for the revocation or suspension of licenses; limiting the appellations permitted to be used; authorizing the issuance of duplicate certificates and regulating practice thereunder ; limiting the scope of practice as a dental hygienist, and increasing the power of the Board as to suspension and reinstatement of licenses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1055, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History, and creating a commission for such purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1111, entitled:

An Act making an appropriation to the J. C. Blair Memorial Hospital of Huntingdon, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1112, entitled:

An Act making an appropriation to the Nason Hospital Association, of Roaring Spring, Blair County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1113, entitled:

An Act making an appropriation to the Altoona Hospital, of Altoona, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1114, entitled:

An Act making an appropriation to the Mercy Hospital of Altoona, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1115, entitled:

An Act making an appropriation to the Blair County Children's Home, at Williamsburg, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn.

Mr. BAUMER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:39 P. M. until Monday evening, April 29, 1935, at 9 o'clock.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 24, 1935

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Our dear Lord and Redeemer we come to Thee this morning with our hearts filled with gratitude that Thou has given us another day to do Thy will. We pray that Thy Holy Spirit may evolve from our hearts desire that
We may live in a house by the side of the road
and be a friend to man

The men who are good and the men who are bad
As good and as bad as I.
We would not sit in the scorner's seat
Nor hurl the cynic's ban.
Let us live in a house by the side of the road
And be a friend to man.

Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ROBINSON the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

ALLOCATION OF HIGHWAY FUNDS

Petitions (50) from Boards of Supervisors of townships of Pennsylvania urging passage of House Bill No. 977.

Referred to the Committee on Highways.

DIVERSION OF HIGHWAY FUNDS

A petition from residents of Clarion County addressed to Mr. Panton urging appropriations according to Parkinson Bill; protesting diversion of highway funds and favoring graduated income tax.

Referred to the Committee on Highways.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1023.

An Act prohibiting the sale and distribution of medicine drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 450.

An Act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408) entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

REPORTS FROM COMMITTEES

Mr. JAMES W. PATTERSON from the Committee on Counties reported as committed, House Bill No. 2513 entitled:

An Act providing for the incorporation, as bodies corporate and politic of "Authorities" for counties, defining the same, prescribing the rights, powers and duties of such authorities to acquire, construct, improve, maintain and operate subjects and to borrow money and issue bonds therefor, providing for the payment of such bonds, and prescribing the rights of the holders thereof, conferring the right of eminent domain on such authorities, authorizing such Authorities to enter into contrats with and to accept grants from the Federal government or any agency thereof; and for other purposes.

Mr. SIMON from the Committee on Education reported as committed, House Bill No. 1552, entitled:

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; eliminating the provision which requires that county and district superintendents of schools shall have had three years experience in a supervisory or administrative capacity.

Mr. Van SICKLE from the Committee on Counties reported as committed, House Bill No. 1692 entitled:

An Act to amend section one of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," limiting the time within which claims for refunds must be made.

Mr. Van SICKLE from the Committee on Counties, reported as committed, House Bill No. 1475, entitled:

An Act to amend section one hundred and fifty of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," fixing the commissions of the county treasurer in certain counties for receiving and paying over malt liquor license moneys.

Mr. FLANAGAN from the Committee on Judiciary General reported as committed, House Bill No. 1886, entitled:

An Act relating to criminal procedure; imposing upon magistrates, aldermen, and justices of the peace conducting preliminary hearing the duty of obtaining two names of persons whom defendants desire notified of time of trial; and imposing upon the district attorney the duty of notifying such persons.

Mr. LONG from the Committee on Insurance reported as committed, House Bill No. 2017, entitled:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth, and to provide for the administration thereof.

Mr. EBERHARTER from the Committee on Judiciary General reported as amended, House Bill No. 1778, entitled:

An Act to protect the owners of mortgaged property during the present emergency by limiting the time within which deficiency judgments may be proceeded for, and limiting the amounts thereof, during a certain period.

Mr. COAKLEY from the Committee on Education reported as committed, House Bill No. 2222, entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth.

Mr. CLIFF S. PATTERSON from the Committee on State Government reported as committed, House Bill No. 2064, entitled:

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation.

Mr. CLIFF S. PATTERSON from the Committee on State Government reported as committed, House Bill No. 2066, entitled:

An Act to further amend section six of the act approved the third day of June, one thousand nine hundred nineteen (P. L. 366), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime, and the apprehension of criminals; providing for the equipment, maintenance, and transportation of such police; providing for barracks and substations therefor; and prescribing penalties," by increasing and revising the personnel of the State Police Force.

Mr. TUMELTY from the Committee on Military Affairs reported as committed, House Bill No. 2293, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township, Chester County, Pennsylvania, for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States, and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with the United States on such land for the services of legal process thereupon.

Mr. SCHWAB from the Committee on Education reported as committed, House Bill No. 1893, entitled:

An Act to amend section one thousand six hundred and five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" further regulating the daily school hours according to standard time.

Mr. SHAW from the Committee on Pensions and Gratuities reported as committed, House Bill No. 269, entitled:

An Act providing financial assistance for certain residents of this Commonwealth over fifty years of age who are not gainfully employed and who do not have a certain income; establishing claims against the estates of such persons for assistance received; requiring a certain percentage creating and defining the powers of the citizens retirement board; and defining the powers of the Department of Labor and Industry.

Mr. SHAW from the Committee on Counties reported as committed, House Bill No. 1988, entitled:

An Act authorizing the county commissioners of counties of the third class to appropriate funds of the county and to furnish space in any county building for the maintenance and support of any legal aid agency approved by the court of common pleas of such county.

Mr. HARKINS from the Committee on Education reported as committed, House Bill No. 2205, entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers.

Mr. TRONZO from the Committee on Judiciary General reported as committed, House Bill No. 21, entitled:

An Act authorizing courts of common pleas in certain cases to stay or continue proceedings under the provisions of the act, approved the twentieth day of April, one thousand nine hundred and five (P. L. 239), entitled "An Act providing for and defining the rights, remedies, duties, and liabilities of purchasers of real estate at judicial sales, and of their grantees, heirs and devisees, and of the persons then in possession thereof," and to stay writs of possession issued pursuant thereto; providing for the continuance of return days of such writs of possession; and authorizing execution thereon without issuance of further writs.

Mr. JOHN J. BAKER from the Committee on State Government, reported as committed, House Bill No. 2242, entitled:

An Act empowering the Department of Property and supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory, to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School.

Mr. POWERS, from the Committee on Banking reported as committed, House Bill No. 2512, entitled:

An Act staying legal proceedings against banks, bank and trust companies and trust companies engaged in a fiduciary business, where any such corporation has guaranteed or otherwise obligated itself to pay, in cash, the amount or value of trust asssets placed with it for investment and the same have been invested in mortgages or participations in mortgages, or in pools or funds of mortgages; and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

Mr. McDERMOTT, from the Committee on Counties reported as committed, House Bill No. 1826, entitled:

An Act to amend section four hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honeybees.

Mr. TAHL, from the Committee on Insurance reported as committed, House Bill No. 1439, entitled:

An Act requiring insurance companies, after receiving notices of loss or damage from policy holders, to furnish them forms for filing proofs of claims.

Mr. WHITE, from the Committee on Counties, reported as committed, House Bill No. 1605, entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of the prosecutions under the Vehicle Code; providing for the audit of the accounts of counties by the Auditing General and for the collection of amounts due from counties, and for appeals by counties to the Board of Finance and Revenue, and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties; repealing inconsistent acts and making an appropriation.

Mr. PETERS, from the Committee on Military Affairs reported as committed, House Bill No. 2301, entitled:

An Act to amend section two of the act approved the eleventh day of May, one thousand nine hundred and five (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," by providing for armories for the tank regiment of the Pennsylvania National Guard.

Mr. PETERS, from the Committee on Military Affairs reported as committed, House Bill No. 2296, entitled:

An Act to further amend section five of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 896), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by providing for a tank regiment.

Mr. BARNHARDT, from the Committee on Counties reported as committed, House Bill No. 926, entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," by abolishing the payment of taxes into court on appeals from assessments.

Mr. MASON, from the Committee on Judiciary General reported as committed, House Bill No. 1221, entitled:

An Act to amend a part of section one of the act approved the twelfth day of May, one thousand nine hundred and eleven (P. L. 301), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth, in counties having a population of over two hundred thousand and under one million, and to provide the time of paying the same," as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over, by reducing the fee charged for filing municipal and tax liens.

Mr. HEFFERON, from the Committee on Counties, reported as committed, House Bill No. 1942, entitled:

An Act to amend article three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by prohibiting letting of contracts for printing to printing establishments in which a county officer or employe is interested; and prescribing a penalty.

Mr. VanALLSBURG, from the Committee on Education reported as committed, House Bill No. 2194, entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establlish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" making it unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ.

Mr. HIRSCH, from the Committee on Education reported as amended, House Bill No. 1083, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public instruction of operators having charge of stationary steam boilers, pressure vessels, steam or internal combustion engines, turbines, and refrigerating machinery, and hoisting and portable machinery irrespective of the motive power, designating the requirements necessary to secure the licensure, providing for the collection of fees, making it a misdemeanor to operate or cause to be operated such apparatus without licensure, and providing penalties.

Mr. BARBER, from the Committee on Judiciary General reported as amended, House Bill No. 432, entitled:

An Act giving to former owners of homesteads sold at sheriffs' sale the right to lease such homesteads for a period of two years from the date of any such sale, and also during said two year period the right to redeem such homestead from any such sale; and providing the procedure in such cases.

Mr. SPANGLER, from the Committee on Military Affairs reported as committed, House Bill No. 2547, entitled:

An Act to amend section nine of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appro-

priation; and repealing inconsistent legislation; and providing penalties, providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant.

Mr. SIMPSON, from the Committee on Boroughs and Townships reported as committed, House Bill No. 290, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by providing for the payment of borough funds only upon orders and only where there are sufficient funds available for the payment of such orders.

Mr. SURFACE, from the Committee on Education reported as committed House Bill No. 2035, entitled:

An Act to amend article fourteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school.

Mr. WOODSIDE, from the Committee on Counties reported as committed, House Bill No. 2369, entitled:

An Act to further amend section two hundred and fifteen of the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," by authorizing directors of the poor of abolishing poor districts to levy and collect such additional taxes as may be required to pay all outstanding debts.

Mr. WEISS, from the Committee on Judiciary General reported as amended, House Bill No. 910, entitled:

An Act to further amend section one of the act approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (P. L. 309), entitled "An act relating to damages for injuries producing death," by giving personal representatives the right to recover damages for hospital, nursing, medical and funeral expenses.

Mr. SHORTZ, from the Committee on Education reported as committed House Bill No. 1924 (Senate Bill No. 712), entitled:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examinaiton licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to corporations not previously licensed.

Mr. YOURISHIN, from the Committee on Education reported as committed House Bill No. 2125 (Senate Bill No. 768), entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation.

Mr. HIRSCH, from the Committee on Education re-reported as amended House Bill No. 1044, entitled:

An Act to amend section two of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of decreased persons; and providing penalties," granting licenses by the Board without examination to certain persons having had at least three years' practical experience as embalmer or undertaker under certain conditions.

Mr. FINNERTY, from the Committee on Federal Relations reported as amended, House Resolution No. 29.

Mr. SPROUL, from the Committee on Boroughs and Townships reported as amended, House Resolution No. 68.

Mr. ALEXANDER, from the Committee on Education reported as committed, House Resolution No. 123.

Mr. CHERVENAK, from the Committee on Mines and Mining, reported as committed, House Resolution No. 136.

Mr. CORDIER, from the Committee on Military Affairs reported as committed, Senate Resolution, Serial No. 103.

REPORTS FROM COMMITTEES

Mr. HOOPES, from the Committee on Labor re-reported as amended, House Bill No. 1199, entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; requiring appeals heretofore taken to the courts of common pleas to be filed directly with the Superior Court and conferring jurisdiction upon such court to hear such appeals; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurors; conferring certain duties upon the prothonotary of the Superior Court, and certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act.

Mr. ALLEN, from the Committee on Military Affairs, reported as committed, House Bill No. 1035, entitled:

An Act to amend sections four, seven and nine of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," clarifying certain service requirements of eligibility for compensation, stipulating the time within which applications shall be made, and rendering certain additional classes eligible to receive compensation.

BILL RE-REFERRED

Mr. MENTZER, returned from the Committee on Banking with the recommendation that it be re-referred to the Committee on Judiciary General, House Bill No. 2247, entitled:

An act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledge and to make uniform the law with reference thereto.

The SPEAKER. The bill is now re-referred to the Committee on Judiciary General.

Mr. WOODSIDE, returned from the Committee on Education with the recommendation that it be re-referred to the Committee on Elections, House Bill No. 2574, entitled:

A Supplement to the act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (P. L. 360), entitled "An act providing for the opening of ballot boxes after general, municipal, special, or primary elections, upon petition to the court of common pleas, or a judge thereof, under certain circumstances, and imposing certain duties in connection therewith upon the court, the prothonotary, and the county treasurer;" providing for the opening of ballot boxes by the court on petition where the court is of the opinion that by reason of the closeness of the vote the recount may change the result; and providing the procedure in such cases.

The SPEAKER. The bill is now re-referred to the Committee on Elections.

SENATE MESSAGE

The SPEAKER laid before the House an extract from the Journal of the Senate, Senate Resolution Serial No. 103, which was reported from the Committee on Military Affairs as committed.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 14, 1935.

Whereas in the course of the Revolutionary War and at a time when the American forces were in great need of assistance, there arrived in this country, among others, a nobleman of Polish birth, to wit, Casimir Pulaski, and

Whereas, The service rendered by him was of great value and assistance to the cause of American independence and of such high importance that on September 15, 1777, he was appointed Brigadier-General of the Continental Army and Chief of Dragoons, and on March 28, 1778, he was designated commander of an independent corps known as "Pulaski's Legion," and

Whereas, It is the sense and feeling of the members of the Polish Union of the United States of North America, a fraternal benefit society, with headquarters in the City of Wilkes-Barre, and with a membership of over 50,000 members, that proper permanent recognition should be given to the memory of Brigadier-General Casimir Pulaski, whose illustrious service in the war for American Independence is well-known to all who are familiar with our history.

Therefore, Be It Resolved, That the General Assembly of the State of Pennsylvania be requested to take the necessary and proper steps for erecting and constructing some permanent memorial in honor of Brigadier-General Casimir Pulaski at some suitable location associated with the struggle of the American forces for independence.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 88.

An Act providing for the organization and equipment under certain conditions of two colored battalions of infantry and making an appropriation therefor

HOUSE BILL No. 450.

An Act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (P. L. 408) entitled "A supplement to the twenty-fourth section of an act entitled 'An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine' approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth" as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afford fire protection to near or adjacent boroughs and townships

HOUSE BILL No. 552.

An Act authorizing the insurance of deposits of funds of this Commonwealth and of the political subdivisions thereof with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

HOUSE BILL No. 1023.

An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

HOUSE BILL NO. 775 TAKEN FROM TABLE

Mr. STOTT. Mr. Speaker, I move that House Bill No. 775, Printer's No. 93, entitled:

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

which was laid on the table be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. STOTT. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. STOTT. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. STOTT. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 1, line 7, by inserting before the word "addition" the following: "intentional"

Amend sec. 1, page 1, line 11, by striking out the words "other than that naturally contained therein" and insert in lieu thereof "intentionally or deliberately added"

Amend sec. 4, page 2, line 22, by inserting after the word "added" the following: "intentionally"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

UNITED STATES SENATE COMMITTEE ON NAVAL AFFAIRS

Washington, D. C., April 20, 1935.

Mr. W. P. Gallagher,
Chief Clerk, House of Representatives,
Harrisburg, Pa.

Dear Mr. Gallagher:

This acknowledges in the absence of Senator Davis the resolution adopted by the Pennsylvania General Assembly urging the President to approve legislation which would set October 11 aside as a Memorial Day to General Pulaski.

The measure passed both houses of Congress, but was vetoed by the President April 15. A movement is afoot to reintroduce the bill or pass the disapproved measure over the President's veto.

Sincerely yours,

(Signed) FRANK K. BOAL,
Secretary to Senator Davis.

The SPEAKER. The communication will be noted in the Journal and printed in the Legislative Journal.

RESOLUTIONS

PUBLIC WORKS APPROPRIATION REQUESTED

Mr. TURNER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 24, 1935.

Whereas, The Federal Government has created a fund of $4,000,000,000 for Public Works to relieve unemployment; and

Whereas, The conservationists and sportsmen of Pennsylvania are urging the control and gradual elimination of stream pollution; and

Whereas, It is of importance to the health and welfare of the people of the Commonwealth that the streams be relieved of the waste and poison which is now polluting them; and

Whereas, The construction of municipal sewage disposal plants is one of the desired steps in purifying the streams and of relieving filtration plants of excess loads; and

Whereas, Because of the limitation upon their borrowing capacity and the large amount of delinquent taxes, it is impossible for many municipalities to proceed with the desired construction of sewage treatment works; therefore be it

Resolved (if the Senate concur), That the Federal authorities be requested to allocate to the Commonwealth of Pennsylvania such sum or sums as it may find upon investigation, to be necessary for the construction of municipal sewage treatment works and that such sums be requested as outright grants in order to enable such municipalities to proceed with these improvements.

Resolved, That a copy of this resolution be forwarded to the Public Works Administration by the Chief Clerk of this House.

Ordered, That the Clerk present the same to the Senate for concurrence.

EMERGENCY RELIEF BOARD TO BUY PENNSYLANIA POTATOES

Mr. WESTRICK offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

Whereas, Potatoes are one of the most important cash crops of Pennsylvania farmers and

Whereas, Pennsylvania is one of the five leading potato growing states, therefore be it

Resolved (if the Senate concur), That it is the sense of the General Assembly that the State Emergency Relief Board continue its policy of buying potatoes grown in Pennsylvania for Pennsylvania relief needs.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION NO. 129

Mr. SHREINER. Mr. Speaker, I desire to call up at this time Resolution No. 129, Printer's No. 770.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 17, 1935.

Whereas, It is the firm belief of most Pennsylvanians that moneys expended for unemployment relief within this Commonwealth, from whatever source, should be to the greatest degree possible in the form of work relief; and

Whereas, It is equally generally held that such work relief should be, whenever possible, employed in the construction of permanent and lasting improvements beneficial to all citizens; and

Whereas, One of the most important and costliest of all financial burdens upon this Commonwealth and the political sub-divisions thereof is the furnishing and maintenance of proper highway transportation facilities; and

Whereas, It is believed and hoped that a great portion of such work relief contributions from both Federal and State agencies will be expended in the dual capacity of relieving this burden and furnishing employment; and

Whereas, Modern conditions render increasingly necessary not only additional highways but highways of proper width, construction and design; and

Whereas, The construction of narrow or temporary highways is dangerous and uneconomical in view of the present day tremendous vehicular demands upon such highways; now, therefore, be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that the authorities, both State and National, charged with distribution of work relief moneys, be requested to insist that the portions of such moneys expended in the construction of highways in this Commonwealth which are portions of the primary system of highways be constructed so as to safely support and allow at least three lanes of traffic

On the question,
Will the House adopt the resolution?
It was adopted.

RESOLUTION NO. 16

Mr. WASSERMAN. Mr. Speaker, I desire to call up at this time Resolution No. 16, Printer's No. 705.

The Resolution was read by the Clerk as follows:

In the House of Representatives, January 21, 1935.

During those days when democracy was at stake and fevered urge of patriotism caused Americans to buy liberty bonds until it hurt in order that this Nation might throw into the balance that weight of arms that was needed to turn the tide of victory against the Hohenzollerns there were those at home who grew fat on the sacrifices made by their countrymen.

While American youth was shot to pieces on the battlefields of France the fortunes of munition makers in America grew and grew

Profits here kept far ahead of sacrifices over there and the dangers there faced and the trials there endured and the misery there suffered but some had added to the vast sums that made them rich and kept them safe in the position to profit thereby of late investigations of the earnings of munition plants during the war have revealed that of which no one even dreamed

That men and corporations could so profit on patriotism and take and take while others were giving and giving was never conceived.

If love of country will not prevent seemingly highminded citizens from enriching themselves at the cost of their fellow men then the government must step in and substitute its power for their utter lack of conscience therefore be it

Resolved, (if the Senate concur) That the Senate and House of Representatives of this General Assembly of the Commonwealth hereby memorializes the Congress of the United States to pass legislation to make impossible the profits heretofore enjoyed by munition makers by giving to the Federal Government rigid control over munition plants and the power to operate such plants either in peace or war times and to at once direct the undertaking and carrying on of a thorough and detailed study of a plan for industrial mobilization during periods of war in order to make excess profits to corporations and individuals impossible in the future and be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate and the Chief Clerk of the House of Representatives to the presiding officers of the Senate and the House of Representatives of the Congress of the United States with the request that the same be read and then be referred to the proper committees for immediate action

On the question,
Will the House adopt the resolution?
It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

PERMISSION GRANTED COMMITTEE TO SIT DURING SESSION OF HOUSE

Mr. MELCHIORRE. Mr. Speaker, I move that the Committee on Law and Order be granted permission to sit during the session of the House.

The motion was agreed to.

ANNOUNCEMENT BY MR. BERNHARD

Mr. BERNHARD. Mr. Speaker and members of the House, the Republican and Democratic members of the House will settle their differences on the baseball diamond on the Island, the home grounds of the "Senators" in the very near future, probably the middle of May. The proceeds of the game to go to the interest of the Harrisburg Welfare Federation.

We have been in touch with Mr. Carter Taylor, Director, who suggests as follows:

"It has been my thought that there would be no organized sale of tickets, but that an announcement should be made about the game and let those come who are interested."

We are going to ask the local papers to give the game as much publicity as possible so as to stimulate interest in the game.

CONSENT REQUESTED TO READ EDITORIAL

Mr. RINN. Mr. Speaker, I ask unanimous consent of the House to have an editorial read.

The SPEAKER. Will the House give its unanimous consent to the reading of the editorial? Are there objections?

Mr. DENNING. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

ANNOUNCEMENT BY MR. HALUSKA

Mr. HALUSKA. Mr. Speaker, in regard to the baseball game I want to ask the members of the House to indicate the positions they play and notify me by next Monday in order to make up my team.

QUESTION OF PERSONAL PRIVILEGE

Mr. KANE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. KANE. Mr. Speaker, I would like to explain to the House the misleading report that has gone out over the A. P. wire with regard to the intention of certain bills which I introduced in this House.

I have a clipping from my home-town newspaper over the malicious and misleading caption, "Kent Kane Says Work or Starve." Ladies and gentlemen of this House, I have voted in favor of every bill which has been presented in this House that I have felt was genuinely in the interest of the laboring class. I am proud of the fact that in my own community that I have an employer who has increased the number of people on his payroll and the wages of many of those people through this depression.

I am very proud of the fact that I have spent a good deal of my small personal fortune before the government commenced unemployment relief, in the establishment of what I considered useless meritorious projects in order to provide for the working people of my community.

The last day for the dead-line for the introduction of bills before the Assembly, I had a number of bills in Mr. Fertig's office to be drawn up, and in order to save his time and to get the bills in I had drawn up by other stenographers, not subject to his careful scrutiny and and advice, three bills for the purpose of enabling municipalities, townships, third class cities, and so forth to utilize the services of able bodied male citizens 18 years of age or over on various projects which did not require skilled

labor, and be paid therefor certain wages which were to be in addition to any amount which they received from public relief. I did this for the reason that there has been widespread comment on the present situation.

I agree very whole heartedly with the gentleman from Berks, Mr. Hoopes, that we cannot continue to keep large parts of our population on the starvation subsistence that they have been subjected to on relief.

I also feel that the Commonwealth cannot afford nor can the Federal Government afford forever to expend large sums of money to keep persons who will pay nothing back to the community which furnishes that money.

It was my idea that if something could be done with these people to let their services be used, and those who were able-bodied to be employed for a short number of hours, to work 30 hours a week, on work which did not displace anybody working now, on work which would tend to give other people employment later by helping to establish new things that the community should do as cheaply as possible, and yet those people should not be deprived from the public subsistence which they now receive.

I did pay sufficient attention to these bills to specifically provide that even though an able-bodied male who was employed and who refuses such employment could be taken off relief, that nevertheless the benefits of public relief would be continued on for his family, so that it could not be said that the laziness of a father should work to the injury of the children, as is the case now when the man is taken off the relief for various reasons.

I am sorry, so often it seems to be necessary for the gentlemen of the press to leap into print with versions of bills introduced by members of this House before those bills have even been assigned to committee.

I inquired of persons whom I thought were well informed from experience in this House as to when I would have an opportunity to consult persons better informed than I, with a view to amending those bills or putting them in such form that they would be of benefit, and in no case would be detrimental, and was told that this could not be done until they got into Committee, and I understand that they have just gotten there now.

Nevertheless, there has been this comment thereon while they were in this sketchy form as they were drawn up by a private stenographer in order that we would have a frame work ahead of the deadline on which the members of this House hang such amendments as they may choose to carry out the fundamental idea, that people could be employed without being taken off the relief, or their families being taken off the relief, and that employment could be turned into channels where it did not replace other people but it did help the municipalities which furnished money.

I have never said, members of the House, at any time, publicly or privately, that people should work or starve. Anybody that knows me in my county, and those who have met me down here I am sure now that I would be willing to sacrifice the last garment on my back before I would see anybody starve, no matter how worthless they were. I would like, members of the House, on account of this thing, to call this specific item to your attention and request that every one of you give your attention to this important item, to try to figure out and utilize by the means I have provided you, some method of providing these people employment for which they will be paid in addition to the amount that they get on relief, but to keep those amounts sufficiently within reason so that you can answer the objections of the authorities who say, "Our town is very poor; we haven't much money; we would like to take advantage of this bill but we can't do it."

My intention, I assure you, members of this House, is only to provide these people with an opportunity to render some service of value to help them keep their self-respect, and to improve the condition of the Commonwealth, if we don't do anything else during this depression.

I thank you for listening to me. No man is able to do himself full justice when he is mad, but I would like nothing better than to be introduced to anybody who states that I might say that men should work or starve. If you do that you will be conferring a great favor upon me.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the journal.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 24, 1935.

Resolved, (if the House of Representatives concur), That Senate Bill No. 256, Printer's No. 141, entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendent in any such suit.

be recalled from the Governor for the purpose of amendment.

Order, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 4.

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunt-

ing dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2030, entitled:

An Act to amend the act approved the twenty-eighth day of April one thousand eight hundred eighty-seven (Pamphlet Laws sixty-three) entitled "An act in relation to the imprisonment government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" by revising and changing the method of paroling inmates from the Pennsylvania Industrial School and for their final discharge

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1524, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 57, entitled:

An Act revising and consolidating the laws relating to the time for filing reports of viewers to continuances to final confirmation of such report or portions thereof where no exceptions are filed or appeals taken or reviews asked for and to the collection of damages in such proceedings

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2485, entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and public service companies and making an appropriation

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1147, entitled:

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and (1) or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefits thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2324, entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 968, entitled:

An Act prohibiting certain persons from being interested in the manufacture or sale of machinery equipment materials feed supplies or other things used by milk producers and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideraion of House Bill No. 1947, entitled:

An Act to amend clase (b) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeitures of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and decrees relative thereto and to the fees therefor" as amended extending the period for a surviving spouse to elect to take under or against a will in case a will is contested

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1072, entitled:

An Act to amend section one paragraphs thirteen and fourteen of section five and section seven of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred eighty-five) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" regulating the holding and vote of common stock of cooperative agriculture associations by similar corporations or associations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2085 (Senate Bill No. 560), entitled:

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens one to be known as the general judgment or lien index or docket and the other to be known as the in rem judgment or lien index or docket

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2099, entitled:

An Act to amend section one of article fourteen of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" by requiring the erection of wash houses under certain conditions at bituminous mines in this Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2203, entitled:

An Act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred -seventy-three) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" requiring dealers in securities to make reports of their financial condition

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2668, entitled:

An Act to amend section two hundred three of the act approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations. associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by making the moneys in the Banking Department Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 494, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic and the licensure and registration of practitioners therein creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction and defining its powers and duties and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of further study.

On the question,

Will the House agree to the motion.

Mr. FITCH. Mr. Speaker and members of the House, I only have this to say, that to my mind this is a fine procedure to take. This puts me in mind of a mariner who has been tossed for many days in thick weather in an unknown sea. He naturally avails himself of the first pause in the storm, to get his first glance at the sun and take his reckoning to see how far he has been driven from his true course. With that thought in mind I would ask the Chair to have Rule 72 read to the members for their information.

The SPEAKER. At the request of the gentleman from Philadelphia, Mr. Fitch, the Chair will read Rule 72 for the information of the House:

"A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon, as required by the Constitution, Art. III, Sec. 33."

Does that give the gentleman the information he desires?

Mr. FITCH. Yes, Mr. Speaker. Now, Mr. Speaker and members of the House, this is a serious proposition, the holding up of decent legislation. Remember that there are forty-two states in the Union that allow this practice. The District of Columbia also allows it by an act of Congress.

I want to call your attention to a statement made by John Clark Ridpath, probably the greatest historian of all times and an American. He said "The privileged classes have no conscience on the subject of their privilege. History does not add us one instance in which a nobility or even a monopoly entrenched in precedent and custom has ever voluntarily made restitution to society of the rights of which she has been despoiled. The iron jaw which closes on the marrow bone of privilege has never been known to relax until it is broken."

POINT OF ORDER

Mr. HARKINS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order?

Mr. HARKINS. Mr. Speaker, the gentleman is not speaking on the motion. He is now discussing the merits of the bill.

The SPEAKER. The point of order is well taken. The gentleman from Philadelphia will confine himself to the motion to recommit.

Mr. FITCH. Mr. Speaker, in the second place I want to call attention to another rule of this House. For the information of the members I would like the Chair to read Rule 43 of this House.

The SPEAKER. The Chair at the request of the gentleman from Philadelphia, Mr. Fitch, will read for the information of the House, Rule 43, which is as follows:

"When bills on first reading are in order, the Speaker shall take up the calendar and announce each bill in the order in which it appears on the calendar. They shall be severally read at length, and agreed to without amendment or debate, and journalized accordingly. No bill after it has once been reported from committee shall be recommitted until it has been read the first time."

Mr. FITCH. Mr. Speaker, if I understand the English language, I believe that that covers the point. I believe the intent of the framers of this rule was that on the first reading of a bill it should go over and on second reading the opportunity for debate—

The SPEAKER. The Chair wishes to inform the gentleman from Philadelphia that the bill has been read for the first time. It has passed first reading.

Mr. FITCH. There might be a difference of opinion, Mr. Speaker. I also have in mind that this bill, the interpretation, as I see it, was that the bill should go over to second reading. Be that as it may, however, I appeal to the fairness of the members. In all my life I have always found that the American people can be depended upon to do the right thing at the right time. I have called your attention to certain interests, and I ask you in all fairness—all two hundred and eight of you—not to be hidebound. I ask you as members representing the people of the Commonwealth of Pennsylvania to give this health measure a decent chance.

If under the present ruling I cannot speak on the merits of the bill, still I think I have the right to ask for a roll call.

Mr. ALEXANDER. Mr. Speaker and members of the House, I rise to oppose this motion to recommit and especially to recommit this bill in such a ridiculous manner to the Committee on Public Health and Sanitation. This would mean that we would have a body of people practicing a profession and illegally so in the state of Pennsylvania. As Mr. Fitch has stated, there are 42 states at the present time including the District of Columbia——

POINT OF ORDER

Mr. HARKINS. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HARKINS. Mr. Speaker, the gentleman from Mifflin, Mr. Alexander, is not speaking on the motion to recommit but is discussing the merits of the bill.

The SPEAKER. The Chair was of the opinion that the gentleman was discussing the motion to recommit. The Chair feels that the remarks of the gentleman from Mifflin are relative to the motion. The gentleman from Mifflin, therefore, will proceed.

Mr. ALEXANDER. Mr. Speaker and members of the House, I feel that inasmuch as there was at the same time reported out of the Committee on Education a bill which has to do with the undertaking business, which has met with the approval of the committee and has met with the approval of a great many members of the House that in order to legalize those men who are operating, they should be given a chance to be heard on the floor of this House and that the bill should come before the members of this House. I feel that it is an injustice to those who are following that profession to have this bill recommitted in such a manner. I, therefore, would ask the members of this House to vote that this bill shall stay on the floor, and then if they see fit to vote against this bill that will be their opportunity, but I say in all fairness to the people who are practising this profession that we should allow the bill to remain on the floor of this House.

Mr. NAGEL. Mr. Speaker, I would like to interrogate the maker of this motion.

The SPEAKER. Will the gentleman from Lawrence, Mr. Eroe, permit himself to be interrogated?

Mr. EROE. I will, Mr. Speaker.

Mr. NAGEL. Will the gentleman from Lawrence, the maker of this motion, tell this House the object of moving to recommit this bill to the Committee on Public Health and Sanitation?

Mr. EROE. Mr. Speaker, this bill is not only a licensing measure but is a health measure and, as I understand it, the Committee on Public Health and Sanitation was organized in this House to protect the health and sanitation of the people of this State. I, therefore, think that it is proper, inasmuch as this bill does affect the health and sanitation of the people of this state, that the Committee on Public Health and Sanitation should have a right to consider this bill and study it.

Mr. NAGEL. Mr. Speaker, House Bill 494 has been before the Committee on Education for a number of weeks. It was objected to by certain members of the committee and it was objected to because of certain things, certain parts of the bill that did not measure up to their ideals of qualifications by way of education. This bill in a meeting of the Committee on Education was amended so as to bring it up to the requirements suggested. I cannot see why a move is made at this time to put this bill back in another committee, where its progress may be retarded. We must suspect that it must be some professional move to tie this bill up further in committee. It is an insult to the intelligence of the Committee on Education who by a majority vote have reported this bill out on the floor of the House, to question their ability to judge the merits of the bill, and I am, therefore, opposed to placing this bill back in committee. I say leave it on the floor and if it is licked on the floor I am willing to go down with it.

Mr. MORAN. Mr. Speaker, House Rule 43, which you read for the sponsor of this bill a short time ago states that a bill is not debatable on first reading. You also stated, Mr. Speaker, that the bill had passed first reading and that, therefore, the motion was in order.

I would like to ask the Speaker of the House, as a question of information, is it not a fact that after a bill

has passed first reading before it is debatable, before any question on that bill is debatable, one full legislative day must pass?

The SPEAKER. The Chair did not get the last sentence of the gentleman's question.

Mr. MORAN. Mr. Speaker, is it not a fact that one legislative day must pass on a bill on first reading before it is debatable or before it comes up for second reading?

The SPEAKER. The Chair will read an extract from Rule 42 for the information of the House:

"Every bill and every joint resolution shall be read at length on three different days." Therefore, a full legislative day must pass before the bill can be considered on second reading. Does that answer the gentleman's question?

Mr. MORAN. Then, Mr. Speaker, this motion is out of order.

The SPEAKER. The Chair wishes to read for the information of the House, Rule 15:

"No business regularly before the House shall be interrupted, except by motion—

For adjournment.

For the previous question, namely "Shall the main question be now put?"

For postponement.

For commitment;"

Therefore a motion for commitment is a privileged motion and is in order and that is supported by Rule 54 of the House which the Chair will now read:

"A motion for postponement shall preclude commitment. A motion for commitment shall preclude amendment or decision on the original subject."

Therefore the motion to recommit is in order.

Mr. MORAN. Mr. Speaker, I think this motion is a very unfair motion, and I also think that the motion is made to put class legislation before this House. I would ask the members of this House to vote "no" on the motion.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. Van SICKLE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Northampton will state his question of parliamentary inquiry.

Mr. Van SICKLE. Mr. Speaker, isn't this bill on second reading.

The SPEAKER. Not until a full legislative day has passed.

Mr. Van SICKLE. Then, Mr. Speaker, if it is not now on second reading it must, of necessity, be on first reading, isn't that so?

The SPEAKER. This bill has already been agreed to on first reading.

Mr. Van SICKLE. But it has not yet reached its second reading, isn't that correct, Mr. Speaker?

The SPEAKER. It has not yet passed second reading.

Mr. VanSICKLE. Mr. Speaker, under the rules, therefore, wouldn't this motion to recommit be out of order?

The SPEAKER. The motion is in order under the Rules.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. FITCH and Mr. WELLIVER and were as follows:

YEAS—60

Achterman,	Dilley,	Kane,	Smith, W. G.,
Altenburg,	Eroe,	Kelso,	Spangler,
Arnold,	Ferko,	Kobelak,	Sproul,
Aukerman,	Flinchbaugh,	LaRue,	Stott,
Baker, J. J.,	Furman,	Longaker,	Terry,
Barber,	Gillette,	McDevitt,	Trout,
Barnhardt,	Green,	Munley,	Turner,
Blumberg,	Habbyshaw,	Murrin,	Wall,
Boyer,	Harkins,	O'Keefe,	Wasserman,
Brancato,	Hartman,	Patterson, J. W.,	Weidemann,
Coleman,	Hefferon,	Pearson,	Wickersham,
Cordier,	Hetrick,	Peters,	Winner,
Davies,	Hindman,	Ruth,	Witkin,
Decker,	Horst,	Shaw,	Woodside,
Denning,	Jones,	Shreiner,	Yeakel,

NAYS—108

Alexander,	Fitch,	McElroy,	Shepard,
Allen,	Flanagan,	McKinney,	Shugarts,
Andrews,	Forrest,	Melchiorre,	Siegel,
Atkins,	Gates,	Mentzer,	Simpson,
Baine,	Gerard,	Moomaw,	Sinwell,
Baker, F. T.,	Haberlen,	Mooney,	Sloan,
Bernhard,	Hagerty,	Moore,	Smith, J. A.,
Boose,	Haluska,	Moran,	Snyder, F. E.,
Boyd, R.,	Hamilton, F. P.,	Moul,	Sowers,
Bradley,	Hamilton, R. S.,	Muir,	Stank,
Brown, H. S.,	Hermansen,	Nagel,	Stevens,
Brown, J. E.,	Hirsch,	Ominsky,	Stockham,
Brownfield,	Hoffner,	Panton,	Stone,
Brumbaugh,	Holstrom,	Parks,	Sumney,
Cannon,	Hoopes,	Patterson, C.,	Surface,
Caputo,	Jackson,	Perry,	Tumelty,
Carson,	Kelder,	Pfaff,	Van Allsburg,
Coakley,	Kilroy,	Piole,	Van Sickle,
Condon,	Kinney,	Powers,	Walker,
Dent,	Klingler,	Reising,	Weiss,
Diehl,	Long,	Reynolds,	Welliver,
Downey, G. E.,	Lovett,	Roan,	Westrick,
Downey, J. J.,	Lynch,	Robinson,	White,
Duffort,	Male,	Ruffennach,	Wilson,
Eberharter,	Mallen,	Scanlon,	Yourishin,
Falkenstein,	McCreary,	Schrope,	Zappala,
Finnerty,	McDermott,	Schwab,	Zimmerman,

So the question was determined in the negative and the motion was not agreed to.

(Following the calling of the roll and before the result was announced).

QUESTION OF PARLIAMENTARY INQUIRY

Mr. JOHN E. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman wil state his question of pariamentary inquiry.

Mr. JOHN E. BROWN. Mr. Speaker, I rise to ask how the members are recorded who failed to answer to their names when called?

The SPEAKER. The Chair informs the gentleman from Washington, that those who answered to their names will be recorded and those did not answer will not be recorded.

Mr. JOHN E. BROWN. Mr. Speaker, according to or rules and the Constitution, is not a member required to answer to his name?

The SPEAKER. That is correct.

Mr. JOHN E. BROWN. Mr. Speaker, I would ask that those members who did not answer to their names be required to do so.

The SPEAKER. That is a matter for a member themselves to decide. So far as the Chair knows all the members present have voted.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2380, entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1473, entitled:

An Act imposing a graduated income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

ARTICLE I

SHORT TITLE AND DEFINITIONS

The first section was read and agreed to as follows:

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Individual Net Income Tax Act"

The second section was read as follows:

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Dividend" Any distribution made by a corporation or association subject or not subject to the payment of a tax or capital stock under the laws of the Commonwealth out of its net earnings or profits to its stockholders or members whether in cash or in other property or in stock other than stock dividends as hereinafter defined

"Fiduciary" A guardian committee trustee executor administrator receiver conservator or any person whether individual or corporate acting in any fiduciary capacity for any person estate or trust

"Individual" A natural person

"Paid" For the purposes of the deductions under this act means "paid or accrued" or "paid or incurred" and the words "paid or accrued" "paid or incurred" and "incurred" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act

"Person" Every natural person fiduciary association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Received" For the purpose of the computation of the net income under this act means "received or accrued" and the words "received or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act

"Resident" As applied to an individual means any person domiciled in the Commonwealth of Pennsylvania and any person who maintains a permanent place of abode within this Commonwealth

"Stock dividends" New stock for surplus or profits capitalized issued to stockholders in proportion to their previous holdings

"Tax year" The calendar year upon the basis of which the net income of a taxpayer is computed under this act

"Taxpayer" Any individual trust or estate required to pay a tax under the provisions of this act

The singular shall include the plural and the masculine shall include the feminine and neuter

ARTICLE II

IMPOSITION OF TAX

Section 201 Residents and Nonresidents A A tax is hereby imposed upon every resident taxpayer of this Commonwealth which tax shall be levied collected and paid annually with respect to his entire net income as herein defined computed at the following rates after deducting the exemptions provided in this act

(1) Two per centum of the amount of net income not exceeding five thousand dollars ($5000.00)

(2) Two and one-half per centum of the amount of the net income in excess of five thousand dollars ($5000.00) but not in excess of ten thousand dollars ($10,000.00)

(3) Three per centum of the amount of net income in excess of ten thousand dollars ($10,000.00) but not in excess of twenty-five thousand dollars ($25,000.00)

(4) Four per centum of the amount of net income in excess of twenty-five thousand dollars ($25,000.00) but not in excess of fifty thousand dollars ($50,000.00)

(5) Five per centum of the amount of net income in excess of fifty thousand dollars ($50,000.00) but not in excess of seventy-five thousand dollars ($75,000.00)

(6) Six per centum of the amount of net income in excess of seventy-five thousand dollars ($75,000.00) but not in excess of one hundred thousand dollars ($100,000.00)

(7) Eight per centum of the amount of net income in excess of one hundred thousand dollars ($100,000.00)

B A like tax is hereby imposed and shall be levied and collected and paid annually at the rates specified in this section upon and with respect to the entire net income as herein defined from all property owned and from every business trade occupation or profession carried on in this Commonwealth by natural persons not residents of this Commonwealth

Section 202 Estates and Trusts A The tax imposed by this act shall apply to estates and trusts which tax shall be levied collected and paid annually upon and with respect to the income of estates or of any kind of property held in trust including

(1) Income received by estates of deceased persons during the period of administration or settlement of the estate

(2) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests

(3) Income held for future distribution under the terms of the will or trust

(4) Income which is to be distributed to the beneficiaries periodically whether or not at regular intervals and the income collected by a guardian of an infant to be held or distributed as the court may direct and

(5) Income of an estate during the period of administration or settlement permitted by subsection C of this section to be deducted from the net income upon which the tax is to be paid by the fiduciary

B The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts whether such income be taxable to the estate or trust or to the beneficiaries thereof The net income of an estate or trust shall be computed in the same manner and on the same basis as provided for individual taxpayers and in cases under paragraphs (four) and (five) of subsection A of this act the fiduciary shall include in the return a statement of each beneficiary's distributive share of such

net income whether or not distributed before the close of the tax year for which the return is made

C In cases under paragraphs (one) (two) and (three) of subsection A of this section the tax shall be imposed upon the estate or trust with respect to the net income of the estate or trust and shall be paid by the fiduciary except that in determining the net income of the estate of any deceased person during the period of administration or settlement there may be deducted the amount of any income properly paid or credited to any legatee heir or other beneficiary In such cases the estate or trust shall be allowed the same personal deductions as are allowed to single persons under section three hundred and eight and in such cases an estate or trust created by a person not a resident and an estate of a person not a resident shall be subject to tax only to the extent to which individuals other than residents are liable by reason of the limitation as to gross income provided in section three hundred and three subsection C

D In cases under paragraphs (four) and (five) of subsection A of this section if the distribution of income is in the discretion of the fiduciary either as to the beneficiaries to whom payable or as to the amounts to which any beneficiary is entitled the tax shall be imposed upon the estate or trust in the manner provided in subsection C of this section but without the deduction of any amounts of income paid or credited to any such beneficiary In all other cases under paragraphs (four) and (five) of subsection A of this section the tax shall not be paid by the fiduciary but there shall be included in computing the net income of each beneficiary his distributive share whether distributed or not of the net income of the estate or trust for the tax year In such cases the net income of a beneficiary not a resident derived through such estate or trust shall be subject to tax only to the extent to which individuals other than residents are liable by reason of the limitations as to gross income provided in section three hundred and three subsection C

E A trust created by an employer as a part of a stock bonus pension or profit-sharing plan for the exclusive benefit of some or all of his employes to which contributions are made by such employer or employes or both for the purpose of distributing to such employes the earnings and principal of the fund accumulated by the trust in accordance with such plan shall not be taxable under this section but any amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him

F Where any part of the income of a trust other than a testamentary trust is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor or to the payment of premiums upon policies of life insurance under which the grantor is the beneficiary such part of the income of the trust shall be included in computing the net income of the grantor

Section 203 Partnerships Individuals carrying on business in partnerships shall be liable for income tax only in their individual capacity There shall be included in computing the net income of each partner his distributive share whether distributed or not of the net income of the partnership for the tax year Taxpayers who are members of partnerships may be required by the department to make a return stating the gross receipts and net gains or profits of the partnership for any tax year The net income of the partnership shall be computed in the same manner and on the same basis as provided in computing the net income of individuals and the personal deductions provided for in section three hundred and eight shall be allowed only to the individual partners

Section 204 Initial Tax Lexy The tax imposed by this Article shall first be levied collected and paid in the year one thousand nine hundred thirty-six upon and with respect to taxable net income for the calendar year one thousand nine hundred thirty-five

ARTICLE III

COMPUTATION OF THE TAX

Section 301 Net Income The term "net income" means the gross income of a taxpayer less the deductions allowed by this article

Section 302 Manner of Computing Net Income The net income shall be computed in accordance with the method of accounting regularly employed in keeping the books of the taxpayer but if no such method of accounting has been so employed or if the method employed does not clearly reflect the income the computation shall be made upon such basis and in such manner as in the opinion of the department does clearly reflect the income

Section 303 Gross Income A The term "gross income" includes gains profits and income derived from salaries wages or compensation for personal service of whatever kind and in whatever form paid or from professions vocations trades businesses commerce or sales or dealings in property whether real or personal growing out of the ownership or use of or interest in such property also from interest rent dividends securities or the transaction of any business carried on for gain or profit and all other income derived from any source whatever including income derived through estates or trusts by the beneficiaries thereof whether as distributed or as distributable shares The amount of all such items shall be included in the gross income for the tax year in which received by the taxpayer

B The term "gross income" does not include the following items

(1) Amounts received under a life insurance contract paid by reason of the death of the insured whether in a single sum or in installments but if such amounts are held by the insurer under an agreement to pay interest thereon the interest payments shall be included in gross income

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance endowment or annuity contract either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract

(3) The value of property acquired by gift bequest devise or rescent but the income from such property shall in included in gross income.

(4) Interest upon the obligations of the United States or its possessions or the obligations of the Commonwealth of Pennsylvania or of any municipal corporation or political subdivision thereof

(5) Any amount received through accident or health insurance or under workmen's compensation acts as compensation for personal injuries or sickness plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness or through the war risk insurance act or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States

(6) Salaries wages and other compensation received from the United States by officials or employes thereof including persons in the military or naval forces of the United States

(7) Income received by any officer of a religious denomination or by any institution or trust for moral or mental improvement religious bible tract charitable benevolent fraternal missionary hospital infirmary educational scientific literary library patriotic historical or cemetery purposes or for the enforcement of laws relating to children or animals or for two or more of such purposes if such income be used exclusively for carrying out one or more of such purposes but nothing herein shall be construed to exempt the fees stipends personal earnings or other private income of such officer or trustees

(8) Stock dividends when received by a shareholder but if before or after the distribution of any such dividend the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend the amount so distributed in redemption or cancellation of the stock shall be treated as a taxable dividend and included in gross income Provided That any stock dividend shall be considered in computing gain profit or income upon the sale exchange or other disposition of the stock upon which a stock dividend has been declared or of the stock included in such stock dividend

(9) The principal and income paid by a building and loan association to a member thereof upon the maturity

of his or her shares or upon the withdrawal of such member from the association

(10) Any amount received by any person whatever under any law of this Commonwealth the United States or any other state providing for any pension bonus or compensation whatsoever for or in respect to services in the military or naval forces of the United States in any war in which the United States has been engaged

C In the case of taxpayers other than residents gross income includes only the gross income from sources within the State but shall not include annuities interest on bank deposits interest on bonds notes or other interest-bearing obligations or dividends from corporations except to the extent to which the same shall be a part of income from any business trade profession or occupation carried on in this State subject to taxation under this act

D In the case of taxpayers who regularly sell or otherwise dispose of personal property on the installment plan gross income includes in any tax year only such portion of the total profit realized or to be realized when the payment is completed as the installment payments received in that year bears to the total of all installment payments

E In the case of a casual sale or other casual disposition of personal property or of a sale or other disposition of real property if in either case the payment in cash or property are not completed during the tax year when the sale or disposition was made the income may be returned on the basis and in the manner above described in subsection D of this section for installment sales Evidences of indebtedness of the purchaser or amounts secured by the property sold or disposed of shall not be construed to be payment but in such cases the income shall be returned on the above basis in the tax year when such indebtedness or the amounts secured or any part thereof is paid to the vendor

Section 304 Ascertainment of Gain and Loss A For the purpose of ascertaining any gain included in gross income as herein defined derived or any deductible loss sustained for the sale or other disposition of property real personal or mixed the basis shall be in case of propertyacquired on or after January first one thousand nine hundred thirty-five the cost thereof or the inventory value if the inventory is made in accordance with this article

B In case of property acquired prior to January first one thousand nine hundred thirty-five and disposed of thereafter

(1) No profit shall be deemed to have been derived if either the cost or the fair market price or value on January first one thousand nine hundred thirty-five exceeds the value realized

(2) No loss shall be deemed to have been sustained if either the cost or the fair market price or value on January first one thousand nine hundred thirty-five is less than the value realized

(3) Where both the cost and the fair market price or value on January first one thousand nine hundred thirty-five are less than the value realized the basis for computing profit shall be the cost or the fair market price or value on January first one thousand nine hundred thirty-five whichever is higher

(4) Where both the cost and the fair market price or value on January first one thousand nine hundred thirty-five are in excess of the value realized the basis for computing loss shall be the cost or the fair market price or value on January first one thousand nine hundred thirty-five whichever is lower

Section 305 Exchange of Property Upon the sale or exchange of property in transactions the gain or profit from which is included in gross income as herein defined the entire amount of the gain or loss determined under section three hundred four of this act shall be recognized except as hereinafter provided in this section

(A) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale nor stocks bonds notes choses in action certificates of trust or beneficial interest or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment or if common stock in a corporation is exchanged solely for common stock in the same corporation or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation

(B) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are in pursuance of the plan of reorganization exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization

(C) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control of the corporations but in the case of an exchange by two or more persons this subsection shall apply only if the amount of the stock and securities received by each is substantilly in proportion to his interest in the property prior to the exchange

(D) If property (as a result of its destruction in whole or in part theft or seizure or an exercise of the power of requisition or condemnation or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted or into money which is forthwith in good faith under regulations prescribed by the department expended in the acquisition of other property similar or related in service or use to the property so converted or in the acquisition of control of a corporation owning such other property or in the establishment of a replacement fund no gain or loss shall be recognized If any part of the money is not so expended the gain if any shal be so recognized but in an amount not in excess of the money which is not so expended

(E) If there is distributed in pursuance of a plan of reorganization to a shareholder in a corporation a party to the reorganization stock or securities in such corporation or in another corporation a party to the reorganization without the surrender by such shareholder of stock or securities in such a corporation no gain to the distributee from the receipt of such stock or securities shall be recognized

(F) If an exchange would be within the provisions of subsection A B or C of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain but also of other property or money then the gain if any to the recipient shall be recognized but in an amount not in excess of the sum of such money and the fair market value of such other property

(G) If an exchange would be within the provisions of subsections A B or C of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain or loss but also of other property or money then no loss from the exchange shall be recognized

(H) As used in this section the term "reorganization" means (1) a merger or consolidation (including the acquisition by one corporation of at least a majority of the total number of shares of all other classes of stock of another corporation or substantially all the properties of another corporation) or (2) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transfer or its stockholders or both are in control of the corporation to which the assets are transferred or (3) recapitalization or (4) a mere change in identity form or place of organization however effected

The term " a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation

As used in this section "control" means the ownership of at least eighty per centum of the voting stock and at least eighty per centum of the total number of shares of all other classes of stock of the corporation

Section 306 Inventory Whenever in the opinion of the department the use of inventories is necessary in order clearly to determine the income of any taxpayer inven-

tories shall be taken by such taxpayer upon such basis as the department may prescribe conforming as nearly as may be to the best accounting practice in trade or business of such taxpayer

Section 307 General Deductions In computing net income there shall be allowed as deductions

A All the ordinary and necessary expenses paid or incurred during the tax year in carrying on any trade or business or in the production of income required to be included in gross income under this article including a reasonable allowance for salaries or other compensation for personal service actually rendered and including rentals or other payments required to be made as a condition to the continued use or possession for purposes of the trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity

B All interest paid or accrued during the taxable year on indebtedness

C Taxes paid or accrued within the tax year imposed by (1) the authority of the United States or of any of its possessions (2) by the Commonwealth of Pennsylvania (except the net income tax imposed by this act and taxes on liquid fuels) (3) by any city borough town township school district or poor district of this Commonwealth (except those assessed as local benefits tending to increase the value of the property assessed) or (4) by the authority of any other state country or territory

D Losses sustained during the tax year and not compensated for by insurance or otherwise if incurred in trade or business

E Losses sustained during the tax year and not compensated for by insurance or otherwise if incurred in any transaction entered into for profit though not connected with the trade or business No deduction shall be allowed under this clause for any loss claimed to have been sustained in any sale or other disposition of shares of stock or security where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or disposition If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property then only a proportionate part of the loss shall be disallowed

F Losses sustained during the tax year of property not connected with the trade or business (but in case of a taxpayer other than a resident only of real property or tangible personal property having an actual situs within the State) if arising from fires storms shipwrecks or other casualty or from theft and not compensated for by insurance or otherwise

G Debts ascertained to be worthless and charged off within the tax year and when satisfied that a debt is recoverable only in part the department may allow such debt to be charged off in part In the case of a debt existing on January first one thousand nine hundred thirty-five no more than its fair market value on that date shall be deducted A worthless debt arising since January first one thousand nine hundred thirty-five from unpaid wages salary rent or any similar item of taxable income is not an allowance deduction unless the income which such item represents has been included as income by the taxpayer in a return rendered under this article

H A reasonable allowance for the exhaustion wear and tear of property the income from which is required to be included in gross income under this article used in the trade or business including a reasonable allowance for obsolence In case of property held by one person for life with remainder to another person the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust or in the absence of such provisions on the basis of the trust income allocable to each

I In the case of mines oil and gas wells other natural deposits and timber a reasonable allowance for depletion and for depreciation or improvement according to the peculiar conditions in each case such reasonable allowance in all cases to be made under rules and regulations to be made by the department The department may apportion such deductions equitably between the lessor and lessee

J In th case of a taxpayer other than a resident of the State the deduction allowed in this section shall be allowed only if and to the extent that they are connected with income arising from sources within the State and taxable under this article to a nonresident taxpayer and the proper apportionment and allocation of the deductions with respect to sources of income within and without the State shall be determined under rules and regulations to be prescribed by the department

Section 308 Deductions for Living Expenses The following fixed sums and no others shall also be allowed to all taxpayers in computing net income as personal deductions on account of living expenses

A In the case of a single person a personal exemption of one thousand dollars ($1,000.00) or in the case of the head of a family or a married person living with husband or wife a personal deduction of two thousand five hundred dollars ($2,500.00) A husband and wife living together shall receive but one personal deduction If such husband and wife make separate returns the personal deduction may be taken by either or divided between them

B Four hundred dollars ($400.00) for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective

C If the status of the taxpayer in so far as it affects the deductions allowed by this section changes during his tax year such deduction shall be apportioned under rules and regulations prescribed by the department in accordance with the number of months before and after such change For the purposes of this subsection a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month

Section 309 Items Not Deductible In computing net income no deduction shall in any case be allowed in respect of

A Personal living or family expenses except as otherwise herein expressly provided

B Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate

C Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made or

D Premiums paid on any life insurance policy covering the life of any officer or employe or of any person financially interested in any trade or business carried on by the taxpayer when the taxpayer is directly or indirectly a beneficiary under such policy

Section 310 Credit for Taxes in Case of Taxpayers other than Residents of the Commonwealth Whenever a taxpayer other than a resident of the Commonwealth has become liable to income tax to the State county or city where he resides upon his net income for the tax year derived from sources within this Commonwealth and subject to taxation under this act the department shall credit the amount of income tax payable by him under this act with such proportion of the tax so payable by him to the State county or city where he resides as the income subject to taxation under this act bears to his entire income upon which the tax so payable to such other State county or city was imposed Provided That such credit shall be allowed only if the laws of said State county or city (1) grant a substantially similar credit to residents of this Commonwealth subject to income tax under such laws or (2) impose a tax upon the personal incomes of its residents derived from sources in this Commonwealth and exempt from taxation the personal income of residents of this Commonwealth No credit shall be allowed against the amount of the tax on any income taxable under this act which is exempt from tax-

ation under the laws of such other State county or city

Section 311 Certain Gifts not Taxable In case any taxpayer in any tax year shall give or continue and has given or contributed in each of the ten preceding calendar years ninety per centum or more of his net income in each year to any corporation or trust or community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propoganda or otherwise attempting to influence legislation such net income so given or contributed shall not be subject to any tax under the provisions of this act

ARTICLE IV

RETURNS AND PAYMENT

Section 401 Taxpayers' Returns Time and Place of Filing Payment A Every taxpayer having a net income for the tax year of one thousand dollars ($1,000.00) or over if single or if married and not living with husband or wife or of two thousand five hundred dollars ($2.500.00) or over if married and living with husband or wife or a gross income for the tax year of five thousand dollars or over regardless of the amount of his net income shall make under oath or affirmation a return as hereinafter provided stating specifically the items of his gross income and the deductions and credits allowed by this act For the purposes of this section any taxpayer other than a married person shall be deemed to be a single person If a husband and wife living together have an aggregate net incom of two thousand five hundred dollars ($2,500.00) or over or an aggregate gross income for such year of five thousand dollars ($5,000.00) or over each shall make a return or the income of each shall be included in a single joint return in which case the tax shall be computed on the aggregate income If the taxpayer is unable to make his own return the return shall be made by a duly authorized agent or by the guardian or other person charged with the case of the person or property of such taxpayer A taxpayer other than a resident shall not be entitled to the deductions authorized by section three hundred and seven unless he shall make under oath or affirmation a complete return of his gross income both within and without the State

B Returns shall be in such form and shall contain such information as the department may from time to time prescribe and shall be filed with the department at its main office or at any branch office which it may establish on or before the fifteenth day of March in the year one thousand nine hundred thirty-six and in each and every year thereafter for the preceding calendar year The department is authorized to prepare and furnish such return forms but the failure of any taxpayer to receive or procure a return form shall not excuse him from making a return

C The department may upon application made to it in such form as it may prescribe on or prior to the last day for filing any report and upon proper cause shown grant a reasonable extension of time for the filing of any return within which time such return may be filed without penalty except as herein provided and shall keep a record of every such extension and the reason therefor Except in the case of taxpayers who are abroad no such extension shall be granted for more than six months

D Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making any return or report required by this act for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

E Each taxpayer shall or in cases where an agent guardian committee fiduciary or other persons makes the return for the taxpayer then such agent guardian fiduciary committee or person shall at the time of filing the return pay to the department the amount of tax payable under this act as the same shall appear from a calculation made on the face of the return If the time for filing the return shall have been extended by the department the taxpayer shall pay in addition interest thereon at the rate of six per centum per annum from the time when the return was originally required to be filed to the time of payment

Section 402 Returns in Cases of Changed Residence If a taxpayer during the tax year changes his status from that of resident to that of nonresident or from that of nonresident to that of resident he shall file two returns one as a resident covering the fraction of the year during which he was a resident and one as a taxpayer other than a resident covering the fraction of the year during which he was a nonresident In case two returns for one year are filed as aforesaid the taxes due thereon shall not be less than would be payable if the total net income shown by the two returns were included in a single return If the aggregate of the taxpayer's net income from all sources during the fraction of the year in which he was a resident and his net income from sources within the State during the fraction of the year in which he was a nonresident shall be less than one thousand dollars ($1,000.00) in the case of a taxpayer who is single or married and not living with husband or wife or under two thousand five hundred dollars ($2.500.00) in the case of a taxpayer who is married and living with husband or wife no return shall be required under this section unless the aggregate of the taxpayer's gross income from all sources during the fraction of the year in which he was a resident plus the aggregate of his gross income from sources within the State during the fraction of the year in which he was a nonresident is five thousand dollars ($5,000.00) or over in which event returns shall be required

Section 403 Partnership Returns Every partnership shall make a return for each tax year stating specifically the items of its gross income and the deductions allowed by this act and shall include in the return the names and addresses of the person who would be entitled to share in the net income if distributed and the amount of the distributive share of each person The return shall be sworn to or affirmed by any one of the partners

Section 404 Fiduciary Returns Every fiduciary (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make under oath or affirmation a return for the individual estate or trust for whom he acts as follows

A If he acts for an individual whose entire income from whatever source derived is in his charge and the net income of such individual is one thousand dollars ($1,000.00) or over if single or if married and not living with husband or wife or two thousand five hundred dollars ($2,500.00) or over if married and living with husband or wife or whose gross income for the tax year is five thousand dollars ($5,000.00) or over regardless of the amount of his net income

B If he acts (a) for an estate of a deceased person during the period of administration or settlement whether or not the income of such estate during such period of administration or settlement is properly paid or credited to any legatee heir or other beneficiary (b) for an estate or trust the income of which is accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests or (c) for an estate or trust the income of which is held for future distribution or is distributable in the discretion of the fiduciary under the terms of the will or trust and the net income of such estate or trust is one thousand dollars ($1.000.00) or over or the gross income for the tax year is five thousand dollars ($5,000.00) or over regardless of the amount of the net income

C If he acts (a) for an estate or trust the income of which is to be distributed to the beneficiaries periodically or (b) as the guardian of an infant whose income is to be held or distributed as the court may direct and any beneficiary of such estate or trust or such infant receives or is entitled to a distributive share of the in-

come of one thousand dollars ($1,000.00) or more The return made by a fiduciary shall state specifically the items of the gross income and the deductions exemptions and credits allowed by this act Under such regulations as the department may prescribe a return made by one of two or more joint fiduciaries shall be sufficient compliance with the above requirement

D The fiduciary shall make oath or affirmation that he has sufficient knowledge of the affairs of the individual estate or trust for whom or which he acts to enable him to make the return and that the same is to the best of his knowledge and belief true and correct Fiduciaries required to make returns under this act shall be subject to all the provisions of this act which apply to taxpayers

ARTICLE V

PROCEDURE

Section 501 Department of Revenue to Administer The Department of Revenue shall administer and enforce the tax hrein imposed for which purpose it may divide the State into districts in each of which a branch office of the department may be maintained

Section 502 Examination of Returns Assessment of Tax Refunds A As soon as practicable after the return is filed the department shall examine it and assess the tax

B If the amount of tax as assessed shall be greater than the amount theretofore paid the additional assessment shall be paid by the taxpayer to the department within ten days after a notice of the amount of such additional tax as assessed shall be mailed to the taxpayer by the department In such case if the return is made in good faith and the understatement of the amount in the return is made in good faith there shall be no interest or penalty because of such understatement provided the deficiency be paid within ten days after notice of the amount is mailed to the taxpayer If payment is not made within ten days there shall be added to the amount of the deficiency five per centum thereof and in addition interest at the rate of one per centum per month for each month or fraction thereof from the date of such notice to the date of payment If the understatement is false or fraudulent with intent to evade the tax the tax on the additional income discovered to be taxable and assessed by the department shall be double and an additional one per centum shall be added to the amount so due for each month or fraction of a month from the date the tax was originally due to the date of payment

C If the amount of tax as assessed by the department shall be less than the amount paid by the taxpayer the excess shall be refunded upon written application by the department with the approval of the Board of Finance and Revenue out of the moneys in the State School Fund to th credit of the school district income tax account

As much of the moneys from time to time standing to the credit of the school district income tax account of the State School Fund as may be necessary is hereby appropriated to the department for the purpose of making refunds as herein authorized Estimates of the amounts to be expended from this account for refunds from time to time by the department shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the department for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

Section 503 Estimated Assessments A If any individual or fiduciary believed by the department to be liable for a tax under the provisions of this act shall have failed to file a return in accordance with and within the time prescribed by the provisions of this act or any extension thereof granted by the department if the department should deem it more conducive to the public interest because of the supposed smallness of the tax or for any other reason not to proceed to compel the exhibition of such individual's or fiduciary's accounts it may make an estimated assessment of the probable amount of the tax owing by such individual or fiduciary but in every such case it shall add to every such estimated assessment a penalty of fifty per centum to include any losses which might otherwise accrue to the Commonwealth from such neglect or refusal to file a return or statement and the department shall proceed to recover money so due the Commonwealth as in other cases if not paid when due as hereinafter provided

B The amount thus determined together with penalties and interest at the rate of one per centum per month or fractional part thereof shall be due and payable ten days after notice of such settlement shall be mailed by the department

Section 504 Assessments Made at any Time within Five Years An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within five (5) years after any net income of any taxpayer should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such taxpayer In any such case on credit shall be given for any penalty formerly assessed and paid

Section 505 Petition for Reassessment Appeal A Any taxpayer against whom any estimated or additional assessment is made may petition the departmen for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department prior to the time th eamount becomes due and payable to wit within ten (10) days after notice of such estimated or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the estimated or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

B If such petitioner is dissatisfied with the action of the department on his petition for reassessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any resident shall fail to give due notice of an intention to petition for a reassessment and to file a petition for reassessmen or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 506 Enforcement Rules and Regulations Inquisitorial Powers of the Department A The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

B The department or any agent authorized in writing by it is hereby authorized to examine the books papers

and records of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by this act Every such taxpayer or supposed taxpayer is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

C Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) and costs of prosecution or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

Notwithstanding the provisions of subsection C of this section the department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing an income tax upon the incomes of individuals or the authorized representative of either such officer to inspect the income tax returns of any individuals or may furnish to such officer or his authorized representative an abstract of the return of income of any individual or supply him with information concerning any item of income contained in any return or disclosed by the report of any investigation of the income or return of income of any individual but such permission shall be granted or such information furnished to such officer or his representative only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of this State charged with the administration of the personal income tax law thereof

Section 507 Information at the source Every person in whatever capacity acting including lessees or mortgagors of real or personal property fiduciaries employers and all officers and employes of the Commonwealth or of any municipal corporation or political subdivision of the Commonwealth having the control receipt custody disposal or payment of interest (other than interest coupons payable to bearer) rent salaries wages premiums annuities compensations remunerations emoluments or other fixed or determinable annual or periodical gains profits and income amounting to one thousand dollars (1,000.00) or over shall on or before the fifteenth day of March make a return under oath or affirmation to the department containing complete information concerning the amount of all such interest rent salaries wages premiums annuities compensations remunerations emoluments or other fixed or determinable annual or periodical gains profits and income of any individual partnership or fiduciary under such form and manner and to such extent as may be prescribed by the department The return shall be in such form as the department shall prescribe and shall contain a statement that the individual officer or employe of the Commonwealth political subdivision thereof or corporation or member or partner of the association making the return verifies the information contained in the return Upon conviction of making a false statement in such return the person making the same shall be subject to the penalties provided by the laws of the Commonwealth for perjury

Every person who fails refuses or neglects to file a return in accordance with the provisions of this section shall be liable to a penalty of not more than five hundred dollars to be imposed assessed and collected in the same manner as is provided in this act with regard to taxes

Section 508 Lien of Taxes A All taxes imposed by this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the taxpayer against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

B The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 509 Collection of unpaid taxes Whenever the taxes penalties or interest imposed by this act are not paid and no petition for reassessment thereof has been filed or if such taxes interest and penalties are not paid after all appeals have finally been disposed of the department shall call upon the Department of Justice to collect the same in like manner as is provided by law for the collection of other Commonwealth taxes

ARTICLE VI

VIOLATIONS

Section 601 Violations Penalties Any person who shall fail neglect or refuse to make any report required by this act or any taxpayer who shall refuse to pay the tax penalties and interest imposed by this act or any person who shall refuse to permit the department or any agent appointed by it in writing to examine his or her books records and papers or who shall knowingly make any incomplete false or fraudulent report or who shall attempt to do anything whatever to avoid the full disclosure of the amount of net income to avoid the payment of the whole or any part of the tax shall be guilty of a misdemeanor and shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or undergo imprisonment not exceeding three (3) years or both in the discretion of the court

Such fine shall be in addition to any penalty imposed by any other section or subsection of this act

Section 602 Costs Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

ARTICLE VII

DISPOSITION AND USE OF TAX

Section 701 School District Income Tax Account Created All taxes interest fines forfeitures and penalties received recovered paid or collected under the provisions of this act shall be paid by the department into the State School Fund of the State Treasury and shall be credited to a ledger account to be known as the school district income tax account

Section 702 Payments to School Districts On the first day of August one thousand nine hundred thirty-six and annually thereafter the amount then standing to the credit of the school district income tax account less two per centum of such amount and any other sum as shall be reserved for the payment of refunds as provided in this act shall be paid by the Superintendent of Public Instruction as state aid to the respective school districts of the Commonwealth which are qualified to receive the same under the provisions of this article for the purpose of reducing the respective tax assessment and levies of such districts against real estate within such districts Payments to each school district shall be based upon the proportion the population of the particular school district bears to the aggregate population of all the school districts For the purpose of this section the population of the

school districts shall be ascertained by reference from time to time to the last preceding decennial United States census

Section 703 Requirements to be Met by School Districts to Receive State-aid Except as hereinafter provided in this article no school district shall be entitled to receive or shall be paid State-aid under the provisions of this article unless the board of education or board of school directors of the school district shall for the next school year commencing after the effective date of this act and each school year thereafter reduce the amount of its budget to be raised by means of taxes on real estate per estimated pupil and correspondingly its tax rate as compared with the amount of tax revenue raised from real estate per pupil during the second year one thousand nine hundred and thirty-five or one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five as the case may be by an amount equal to the State-aid per estimated pupil to be received from revenues collected under the provisions of this act and payable to the school district during said school year Provided That no school district shall reduce its tax levy on real estate for any school year below that required to pay the interest and sinking fund charges on the funded debt of the school district

In order to enable taxing authorities of school districts to effect such reduction of taxes on real estate the Superintendent of Public Instruction shall certify annually to each school district at or before the time provided by law for the levying of school taxes estimates of the amount of State-aid each district will receive under this act during the school year for which it is about to levy taxes Such estimates shall be based on information furnished from time to time by the Department of Revenue

Section 704 Reports by School Districts The Superintendent of Public Instruction shall have power to require from time to time such reports and information from school districts as he shall deem necessary for the proper distribution of State-aid under the provisions of this article It shall be the duty of every school district to furnish such reports and information as the Superintendend of Public Instruction shall require and any school district failing to do so shall not be qualified to receive State-aid under this section until such reports or information is furnished to the Superintendent

Section 705 Board Created to Determine Disputes If any question shall arise under this article whether a school district in accordance with the spirit and intent of this act has either affected a reduction of taxes on real estate or has failed to do so only because of the reasonable requirements of its educational program [in accordance with the spirit and intent of this act] such question shall be certified by the Superintendent of Public Instruction to and shall be decided by a board consisting of the Attorney General the Superintendent of Public Instruction and the Secretary of Revenue Two members of the board shall constitute a quorum With the approval of the Governor in writing any member of the board may authorize a deputy to serve in his stead The action of the board on any question certified to it under this section shall be final

Section 706 Cost of Collection Two per centum of the amount to be distributed to school districts each year under the provisions of this article shall be transferred on or before the first day of August of each year from the school district income tax account in the State School Fund to the General Fund of the State Treasury upon requisition of the Superintendent of Public Instruction and shall be added and credited to the current biennial maintenance appropriation of the Department of Revenue and shall be available and is hereby appropriated for the same purposes for which such current biennial appropriation is available

Section 707 Appropriation The moneys from time ot time in the State School Fund to the credit of the school district income tax account except those that are refunded as provided in this act are hereby appropriated to the Department of Public Instruction for the purposes specified in this article

ARTICLE VIII

MISCELLANEOUS

Section 801 Saving clause Nothing contained in this act shall be construed to repeal any other law of this Commonwealth imposing any tax for State or local purposes

Section 802 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act it is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 803 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the section?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1, of title, by striking out the word "school" and inserting in lieu thereof the word "State"

Amend title, page 1, line 11, of title, by striking out the words "school districts"

Amend section 201, page 4 by striking out all of Section 201A lines 5 to 28 inclusive, and lines 1 and 2 on Page 5, and insert in lieu thereof the following: "Section 201. Residence and Non-Residence. Reason for Classification. Classification of Incomes and Imposition of an Income Tax on Classified Incomes. A. In order to equitably and justly distribute the burden of taxation upon the people, and having regard to the individual needs of the various taxpayers and their ability to maintain themselves and pay a State income tax, the Legislature hereby classifies incomes into different classes and imposes a State income tax annually upon the net income as defined and determined in this act upon each class, viz:

(a) Class "a" shall consist of all net income from the sum of one cent to the sum of one thousand dollars ($1,000) inclusive, and all incomes within said classification shall be taxed at the rate of one per centum (1%) per annum.

(b) Class "b" shall consist of all net incomes from the sum of one thousand dollars ($1000) to the sum of twenty-five hundred dollars ($2500) inclusive, and all incomes within said classification shall be taxed at the rate of two per centum (2%) per annum.

(c) Class "c" shall consist of all net incomes from the sum of two thousand five hundred dollars ($2,500) to the sum of five thousand dollars ($5,000) inclusive, and all incomes within said classification shall be taxed at the rate of two and one-half per centum (2½%) per annum.

(d) Class "d" shall consist of all net incomes from the sum of five thousand dollars ($5,000) to the sum of seven thousand five hundred dollars ($7,500) inclusive, and all incomes within said classification shall be taxed at the rate of three per centum (3%) per annum.

(e) Class "e" shall consist of all net incomes from the sum of seven thousand five hundred dollars ($7,500) to the sum of ten thousand dollars ($10,000) inclusive, and all incomes within said classification shall be taxed at the rate of three and one-half per centum (3½%) per annum.

(f) Class "f" shall consist of all net incomes from the sum of ten thousand dollars ($10,000) to the sum of twelve thousand five hundred dollars ($12,500) inclusive, and all incomes within said classification shall be taxed at the rate of four and one-half per centum (4½%) per annum.

(g) Class "g" shall consist of all net incomes from the sum of twelve thousand five hundred dollars ($12,500) to the sum of fifteen thousand dollars ($15,000) inclusive, and all incomes within said classification shall be taxed at

the rate of five and one-half per centum (5½%) per annum.

(L) Class "i" shall consist of all net incomes from the sum of fifteen thousand dollars ($15,000) to the sum of twenty thousand dollars ($20,000) inclusive, and all incomes within said classification shall be taxed at the rate of six and one-half per centum (6½%) per annum.

(i) Class "i" shall consist of all net incomes from the sum of twenty thousand dollars ($20,000) to the sum of twenty-five thousand dollars ($25,000) inclusive, and all incomes within said classification shall be taxed at the rate of seven and one-half per centum (7½%) per annum.

(j) Class "j" shall consist of all net incomes from the sum of twenty-five thousand dollars ($25,000) to the sum of thirty thousand dollars ($30,000) inclusive, and all incomes within said classification shall be taxed at the rate of eight and one-half per centum (8½%) per annum.

(k) Class "k" shall consist of all net incomes from the sum of thirty thousand dollars ($30,000) to the sum of fifty thousand dollars ($50,000) inclusive, and all incomes within said classification shall be taxed at the rate of nine and one-half per centum (9½%) per annum.

(l) Class "l" shall consist of all net incomes from the sum of fifty thousand dollars ($50,000) to the sum of seventy-five thousand dollars ($75,000) inclusive, and all incomes within said classification shall be taxed at the rate of ten and one-half per centum (10½%) per annum.

(m) Class "m" shall consist of all net incomes from the sum of seventy-five thousand dollars ($75,000) to the sum of one hundred thousand dollars ($100,000) inclusive, and all incomes within said classification shall be taxed at the rate of eleven and one-half per centum (11½%) per annum.

(n) Class "n" shall consist of all net incomes from the sum of one hundred thousand dollars ($100,000) to the sum of one hundred and twenty-five thousand dollars ($125,000) inclusive, and all incomes within said classification shall be taxed at the rate of twelve and one-half per centum (12½%) per annum.

(o) Class "o" shall consist of all net incomes from the sum of one hundred and twenty-five thousand dollars ($125,000) to the sum of one hundred and fifty thousand dollars ($150,000) inclusive, and all incomes within said classification shall be taxed at the rate of thirteen and one-half per centum (13½%) per annum.

(p) Class "p" shall consist of all net incomes of more than one hundred and fifty thousand dollars ($150,000), and all incomes within said classification shall be taxed at the rate of fourteen and one-half per centum (14½%) per annum.

Section 204, page 8, lines 26 and 27, Strike out the words "in the year one thousand nine hundred thirty-six" and insert in lieu thereof the words: "on or before the sixtieth day after the effective date of this act."

Section 204, page 8, line 29, strike out the words "thirty-five" and insert in lieu thereof the words: "thirty-four"

Section 507, page 36, line 19, by striking out the words "fifteenth day of March" and inserting in lieu thereof: "the sixtieth day after the effective date of this act and the fifteenth day of March of each year thereafter."

POINT OF ORDER

Mr. RUTH. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Berks will state his point of order.

Mr. RUTH. Mr. Speaker, the gentleman is trying to place amendments in this bill which were contained in a former bill that was reported out negatively, which is prohibited under Article III, Section 1, of the Constitution and Rule 46 of this House.

The SPEAKER. The gentleman from Berks, Mr. Ruth, raised the point of order that the gentleman from Philadelphia, Mr. Sowers, is trying to amend House Bill 1473 in violation of Rule No. 46. The Chair will read Rule 46 for the benefit of the House:

"No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House, nor shall a motion or proposition be entertained under color of such an amendment; nor shall any bill or resolution be amended by substituting therefore, under a motion to strike out, or otherwise any other bill or resolution on a subject different from that under consideration, as required by the Constitution, Art. III, Sec. 1."

The Chair will also read for the information of the House Article III, Section 1 of the Constitution—the exact language of the Constitution being:

"Section 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose."

The Chair also reads for the information of the members of the House, 459 of Jefferson's Manual:

"House rather than Speaker shall decide on the legislative effect of a proposition—consistency of amendments is not a question of order."

Therefore, the Chair submits the question to the House on the point of order raised by the gentleman from Berks, Mr. Ruth.

On the question,

Will the House sustain the point of order raised by the gentleman from Berks, Mr. Ruth?

Mr. SOWERS. Mr. Speaker, the amendments that I have offered are different from Bill 1361. Bill 1361 did not impose as large a rate of taxes on the different classes as these amendments propose, and therefore, the amendments are entirely different. The amendments are germane to the bill.

The bill is evidently intended to raise revenue by taxation of incomes and the amendments put a rate of fourteen and a half per cent on all incomes above one hundred and fifty thousand dollars, while the bill has a rate of but eight per cent on all incomes above one hundred thousand dollars.

There are approximately only ninety-one persons in Pennsylvania with incomes of one hundred fifty thousand dollars and over and the aggregate income is approximately five per cent of the total income of the people of Pennsylvania.

It seems to me that it is right and proper—and the amendments are germane—that ninety-one persons in Pennsylvania having five per cent of the total income ought not to complain about paying a fourteen and one-half per cent income tax on that size of income. Besides there is nothing wrong about it, because the very Bible that my friend from Berks preaches from provides for a tithe of ten per cent of a man's income to be set aside for sacred purposes and that is right and proper.

Mr. Speaker and members of the House, if you want to have an income tax bill, you want to pass one that will stand the test of constitutionality. I submit to you that the bill as drawn will not stand up in the Supreme Court. The bill can be amended as is proposed by this amendment and it will then stand up in the Supreme Court.

The Supreme Court has ruled that you cannot graduate taxes. That was ruled in Cope's Estate, but in the Commonwealth vs. Girard Life Insurance Company case, decided approximately ten years after Cope's Estate, a rule is laid down by the Supreme Court which will permit us to enact an income tax law and that rule is set forth in the words that the objects of taxation may be

classified and then being classified, a different tax may be imposed on different classes.

If the House adopts this amendment, it does not ruin this bill, it improves the bill, it will better its chances in the Supreme Court. As the bill is written, it will have less chance of being sustained. If this House means to go on record for an income tax, it wants a decision as quickly as it can be obtained.

A subsequent amendment provides for the tax to be placed on 1934. The bill provides for the tax on 1935 and probably cannot reach the Court until the year 1937. If the amendments that I am submitting prevail then the case can be brought into court immediately. If you are for the immediate disposition of the question of the constitutionality of income tax legislation, you will vote for the amendments. If you are for delaying the program and the issue then you will vote against these amendments and vote for the bill as it stands, and then the case cannot be decided until the year 1937.

I ask the membership of this House to vote for these amendments, to vote for this proposition, so that the Supreme Court can dispose of this question before 1937 and dispose of it this year.

Mr. RUTH. Mr. Speaker, I still insist that the gentleman is trying to amend House Bill No. 1361 into this bill because in that bill he classified incomes, and I again rise to the point of order that the amendments are out of order.

Mr. WITKIN. Mr. Speaker and members of the House, as I understand the question, which will now be placed by the Speaker before the House, it is whether or not the amendments will be considered or whether they shall not be considered upon the point of order raised by the gentleman from Berks, Mr. Ruth. I shall confine my remarks to that question and not to the merits or demerits of the amendment.

It is my thought that we should meet the issue that is confronting us in these amendments and not endeavor to duck a vote upon those amendments by raising a constitutional question at this time.

It appears to me that the changing of this fund from school purposes to the general fund is not a type of amendment that is endeavoring to foist upon you some other bill. You have a right to insist upon these amendments being defeated or you have the right to pass them. I think it is an important question. The important question is whether or not the moneys derived from an income tax shall go into the general fund. I cannot understand why the gentleman from Berks, Mr. Ruth, is fearful of a vote upon that question. I believe that bringing into play Rule 46 is an attempt to stop the members of this House from expressing their opinion upon a particular question. I believe that it is not in line with the statement made by the Democratic members of this House at the beginning of the session and then, hereafter forgotten, that there was going to be not attempt to stifle, no attempt to gag, no attempt to prevent freedom of thought or freedom of speech. I believe that the point of order now raised is a deliberate attempt by the Democratic majority of this House to prevent the membership of this House from having an opportunity of stating whether or not they are for or against a particular amendment. These particular amendments in my opinion, without going into them at length, merely change the purpose of the bill insofar as to where the moneys derived thereunder shall go, but that is not changing the purpose of the bill itself. The purpose of the bill is to raise revenue by taxation, and the only thing that the amendments do is to say where the moneys raised thereby shall be deposited and for what purpose they shall be used and that certainly is not changing the bill. So I ask the Democratic members of this House—and I know they won't—to permit us to put this question. They have already told us that they will not stifle and they will not gag this House from voting upon particular amendments, but I submit it is purely a gag they raise this point of order. I therefore ask the members of this House to permit a vote upon these amendments. Let us not duck the issue.

Mr. SOWERS. Mr. Speaker and members of the House, I ask you not to allow any partisan politics to influence your decision on this bill. I ask you to join with me in an honest effort to have a constitutional income tax bill.

If you are not for all of the amendments that I offer, then I ask you to be for that one which will best present a test case in the Supreme Court of Pennsylvania on an income tax.

Let me read to you that clause of the Constitution that is used as a basis of an argument against a graduated income tax. The Constitution reads this way, "All taxes shall be uniform upon the same class of subjects."

Now in the bill as it is written the subject is income. In the bill if it is amended as I propose, then the subject is divided into classes of income, so that you can see by that classification you come within this clause of the Constitution and the bill would then be constitutional. Let me read that to you again:

"All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws."

The authority that is cited for income tax purposes is Cope's Estate in 191 Pennsylvania Supreme Court reports, that was decided some ten or thirteen years ago. Within the last four years there came before the Supreme Court the case of the Commonwealth vs. The Girard Life Insurance Company, 305 Pa. 562, and the Supreme Court said in disposing of that case:

Courts, federal and state, whether construing one or other constitutional provision, have determined that the objects of taxation may be classified. Our Constitution expressly so provides "shall be uniform upon the same class of subjects."

Under both "due process" and "equal protection" proper classification is usually a determining factor in passing upon the validity of tax legislation * * * There is a guiding principle which runs through all of them: Is there such a difference between the entity taxed and the one not levied upon, with relation to the act in respect to which the classification is proposed, as justified the legislature is fixing the classes which it did? If there is, the statutory provision is valid if not, it is void. * * * The fact that a statute discriminates in favor of a certain class does not make it arbitrary, if the discrimination is founded upon a reasonable distinction. * * * A very wide discretion must be conceded to the legislative power of the state in the classification of trades, callings, businesses or occupations which may be subjected to special form of regulation or taxation through an exercise or license tax. If the selection or classification is neither capricious nor arbitrary, and rests upon some

reasonable consideration of difference or policy, there is no denial of the equal protection of the law.

Is it not better to follow the form of the Constitution than to follow a form that has been passed upon and found wanting? Is it not better to go to the Supreme Court with a brand new proposition of classification and give that Supreme Court an opportunity to hold an income tax constitutional?

I submit to you, members of the House, that the amendment that is now in question—I am not talking about the other amendments that will follow later on; you may have a different view on those—will give this bill the form of constitutionality, will give our Attorney General the best case we can give him. I believe that the Supreme Court will say of the classification provided in the amendment, "in order to equitably and justly distribute the burden of taxes upon the people and having regard to the individual needs of the various taxpayers and their ability to maintain themselves and pay a state income tax, the Legislature hereby classifies incomes into different classes and imposes said income tax annually upon the net income as defined in this act upon each class." I believe that with the bill as amended, as provided in this amendment, the Attorney General will have a winning case.

Mr. VanSICKLE. Mr. Speaker and members of the House, the members well know that the purpose of this bill is to reduce real estate and school millage in the local districts. It has been, as I understand it, a principle of both the Republican and Democratic parties to reduce real estate taxation. If we accept the amendments as offered, the entire purpose of the bill will be changed. I, therefore, feel that the objection raised by Mr. Ruth is a valid objection and that it has not been made merely for the purpose of stifling amendments to the bill.

Further, I may say that the Supreme Court of the United States, if they so wish, have the same rights on this bill as they would have if this section were removed and the section proposed by Mr. Sowers were substituted. The arguments given here are arguments to be given before the Supreme Court and are arguments to be advanced by the Supreme Court in their decision, as to whether this bill is constitutional or not constitutional.

I, therefore, ask the members of this House to sustain the point of order raised by Mr. Ruth.

Mr. WITKIN. Mr. Speaker and members of the House, in order to clear up any ambiguity as regards this vote, may I say to my Republican colleagues in the House that to vote "no" does not mean for or against these amendments. In asking my Republican colleages to vote "no" I am asking them to vote not to sustain the point of order raised. You will be merely voting "no" so as to give us an opportunity to pass upon these amendments.

We are not now voting upon these amendments, of whether or not the money is to be used for school purposes or not for school purposes.

I, therefore, ask my Republican colleagues to vote "no" upon sustaining the point of order.

Mr. RUTH. Mr. Speaker and members of the House, on the same principle I would ask the Democratic members to vote to sustain the point of order, because we can not change the Constitution by any action we take on it today. The Constitution expressly forbids our taking something out of a bill and putting something into a bill, and that is what these amendments propose to do.

Mr. TURNER. Mr. Speaker and members of the House, the gentleman from Berks, I think is confusing this question with his statement about the Constitution. I don't think the Constitution of Pennsylvania has anything to do with the important question on this point of order. I believe that if we should vote in favor of the point of order or to sustain the point of order raised by the gentleman from Berks, we would be setting a very dangerous precedent and that we would set up a ruling here in the House that would plague the members of the House not only in this session but in future sessions. In my experience in this House, this is the first time that I have ever heard this question raised in an attempt to amend a bill in this form. If you will read Rule 46, only the first part of the rule applies to the point of order raised here, "No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith any other bill or resolution pending before the House." Now that is not the question here. We are not attempting to annex any other bill or resolution that is before the House "or incorporating therewith, any other bill or resolution pending before the House, nor shall a motion or proposition be entertained under color of such an amendment." I think it is clear what the intent of this rule is, and that the intent of the rule is to prevent the thing that is continually done in Congress of the United States where a bill starts out as, we will say, a bill to build a bridge and before they get through with it it may become a liquor control bill or provide for classifications in agricultural pursuits, while the Constitution of Pennsylvania, as we well know, provides that a bill shall contain only one subject that you can't have more than one subject in a bill and and this rule is only to sustain that, but I do say that a point of order raised on an amendment that may be offered to a bill that is presented before the House, because that amendment happens to be in line with some other piece of legislation that is before the House is stretching this rule very far and is taking a technical stand that if it is logically carried out in the future would mean that any bill that was presented except perhaps for very slight changes could not be amended if there was any other legislation in the House that in any way bore upon it. That would mean if you wanted to decide the question you would have to get both bills before the House and they would have to be voted upon, and it might be before you got through you woud have five or six different pieces of legislation before the House for passage before you could determine in just what form you decide the legislation ought to be. That is going to take the time of the legislature, that costs money in printing and it certainly would add to the confusion of the House. I do believe that the objection raised is extremely technical and that it is not founded in real logic. If you now sustain this point of order you are going to bring about something that will come back to plague and haunt you in the very near future.

The SPEAKER. The Chair at this time in order to sustain the position taken awhile ago will also read Decision No. 20 of the House of Representatives on points of order:

"The point of order was raised that an amendment proposed was not in order, as it would change the original purpose of the bill: also that the amendment contained

more than one subject. The Speaker submitted the point of order to the House for decision. The House decided the point of order well taken. (Journal H. R. 1876, p. 196; see also Journal H. R., February 13, 1901, p. 430, 431; Legislative Record, March 21, 1901, p. 954; Journal H. R., p. 841; Legislative Record, April 10, 1907, p. 2445.)"

Mr. VanSICKLE. Mr. Speaker and members of the House, I was somewhat surprised at the remarks of the gentleman from Philadelphia, Mr. Sowers, in saying that his desire was to present a better case to the Attorney General of the State of Pennsylvania. I cannot quite follow his process of reasoning. You gentleman have heard a discussion as to whether or not these—

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, the question before the House is not the provisions of this measure. The question is on the point of order raised by the gentleman from Berks.

The SPEAKER. The point of order is well taken, although the Chair has permitted a very wide latitude up to this time to all the members in debate. The gentleman from Northampton will proceed.

Mr. VanSICKLE. Mr. Speaker, these amendments as presented involve the question, as has been brought to your attention, of whether or not they change the purpose of the bill. Incidentally they give the opportunity to the Supreme Court of the State of Pennsylvania to decide this question upon that technicality without passing upon the graduation feature at all, and it is the desire of this House to have this question determined by the Supreme Court of Pennsylvania. I, therefore, feel that no technicality should be offered to the Supreme Court of Pennsylvania.

Mr. SOWERS. Mr. Speaker, and members of the House, I don't want to be talking about this matter, but I might raise a point of order that this House has already rejected an income tax measure and, therefore, another one is not in order. I do not want to raise that point. I want an income tax bill and I want the Attorney General o have the best bill that he can have and to fight for its success.

Mr. TURNER. Mr. Speaker and members of the House, I am sorry to interrupt but I feel that the question is so important as far as the procedure is concerned on the point of order raised that I want to call attention of the House to the fact that the question here is not on the merits of this bill. I do not believe we ought to confuse the vote on the point of order by the question raised by the gentleman from Northampton or by the gentleman from Philadelphia as to the merits of the bill. The question is purely on the point of order. It is an extremely important question and I think we ought to think long and carefully before we vote "aye" on this question.

On the question recurring,

Will the House sustain the point of order raised by the gentleman from Berks, Mr. RUTH?

The yeas and nays were required by Mr. SOWERS and Mr. WITKIN and were as follows:

YEAS—106

Achterman,	Dilley,	LaRue,	Ruffennach,
Alexander,	Downey, G. E.,	Long,	Ruth,
Allen,	Downey, J. J.,	Lovett,	Sarraf,
Andrews,	Eberharter,	Lynch,	Scanlon,
Arnold,	Eroe,	Male,	Schrope,
Aukerman,	Falkenstein,	McDermott,	Schwab,
Baine,	Finnerty,	McElroy,	Shepard,
Baker, J J.,	Fitch,	Melchiorre,	Shugarts,
Barber,	Flanagan,	Mentzer,	Siegel,
Bradley,	Flinchbaugh,	Moomaw,	Simon,
Brancato,	Furman,	Mooney,	Sinwell,
Brown, H. S.,	Haberlen,	Moran,	Stank,
Brownfield,	Hagerty,	Moul,	Stevens,
Brumbaugh,	Haluska,	Munley,	Stone,
Burke,	Hamilton, F. P.,	Murrin,	Sumney,
Caputo,	Harkins,	O'Keefe,	Tronzo,
Carr,	Harmuth,	Ominsky,	Tumelty,
Carson,	Hartman,	O'Neill,	Van Sickle,
Chervenak,	Hetrick,	Panton,	Walker,
Coakley,	Hindman,	Patterson, C.,	Weiss,
Cochran,	Hirsch,	Pearson,	Welliver,
Coleman,	Holstrom,	Pfaff,	Welsh,
Condon,	Kelso,	Piole,	Westrick,
Coolahan,	Kilroy,	Powers,	Yourishin,
Decker,	Kinney,	Reising,	Zappala,
Dent,	Klingler,	Robinson,	Sarig,
Diehl,	Kobelak,		

NAYS—64

Altenburg,	Green,	Muir,	Stockham,
Atkins,	Habbyshaw,	Nothnagle,	Stott,
Baker, F. T.,	Hamilton, R. S.,	Perry,	Surface,
Barnhardt,	Hefferon,	Peters,	Terry,
Bernhard,	Hermansen,	Reynolds,	Trout,
Blumberg,	Hoffner,	Roan,	Turner,
Boose,	Hoopes,	Schrock,	Wall,
Boyd, R.,	Horst,	Schwartz,	Wasserman,
Boyer,	Jackson,	Shortz,	Weidemann,
Brennan,	Jones,	Shreiner,	White,
Brown, J. E.,	Kane,	Simpson,	Wickersham,
Cordier,	Kelder,	Sloan,	Wilson,
Davies,	Longaker,	Snyder, F. E.,	Winner,
Denning,	Mason,	Snyder, J. L.,	Witkin,
Duffort,	McCreary,	Sowers,	Wood,
Ferko,	McDevitt,	Spangler,	Woodside,
Forrest,	McKinney,	Sproul,	Yeakel,
Gates,	Merrell,	Stewart,	Zimmerman,
Gillette,	Moore,		

So the question was determined in the affirmative and the point of order was sustained.

Mr. SOWERS. Mr. Speaker, do I understand the ruling of the House and the Chair to be on this section that this House cannot amend the bill so as to take it back to the year 1934.

The SPEAKER. That understanding is not correct.

Mr. SOWERS. Then Mr. Speaker, I press my amendment to Section 204.

The SPEAKER. The Chair wishes to inform the gentleman that the decision of the House was on all amendments offered by the gentleman from Philadelphia to section 204.

Mr. SOWERS. Mr. Speaker, so that we may be of record on the amendments, I ask unanimous consent for the amendments be placed in the Legislative Journal at this point of the proceedings, so that we may have a record of them.

The SPEAKER. Will the House give its unanimous consent to the insertion of the amendments in the Legislative Journal? Are there objections?

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The Chair wishes to inform the gentleman from Philadelphia that the amendments which have been read by the Clerk are in the Journal now.

Mr. SOWERS. Mr. Speaker, only the first amendment

to section 204 was read by the Reading Clerk. The subsequent amendments to section 204 have not been read.

The SPEAKER. The record shows that the Clerk read the amendments down to and including Section 507, and those amendments will appear in the Legislative Journal.

Mr. SOWERS. Mr. Speaker, may I inquire whether the point of order included Section 507 of the bill?

The SPEAKER. The point of order included the part which had been read by the Reading Clerk.

Mr. SOWERS. Which is Section 507 too?

The SPEAKER. That is the impression of the Chair.

Mr. RUTH. Mr. Speaker I will withdraw my objection to the insertion of the remainder of the amendments in the Legislative Journal. However, I would like to make this brief statement in regard to it.

The Federal Government is collecting fifty-three percent on incomes over $150,000, and if we add fourteen and a half percent that would be sixty-seven and a half percent. There would be no incentive for anyone to have an income.

The SPEAKER. The gentleman from Berks has withdrawn his objection, therefore, the amendments will be printed in the Journal.

Amend Section 701, page 39, line 10, by striking out the words "School District Income Tax Account Created" and inserting in lieu thereor: "Revenues Payable into General Fund"

Amend Section 701, page 39, lines 13 and 14, by striking out the words "State School," and inserting in lieu thereof: "General"

Amend Section 701, page 39, lines 14, 15 and 16, by striking out the words "and shall be credited" in line 14, and all of the words in lines 15 and 16, and inserting in lieu thereof: "for the use of the Commonwealth"

Amend Section 702, page 39, lines 17 to 28, both inclusive, by striking out all of said lines.

Amend bill, page 40, lines 1 to 28, both inclusive, by striking out all of said lines.

Amend bill, page 41, lines 1 to 28, both inclusive, by striking out all of said lines.

Amend Section 705, page 42, lines 1 to 8, both inclusive, by striking out all of said lines.

Amend Section 706, page 42, line 9, by striking out the figures "706" and inserting in lieu thereof: "702"

Amend Section 706, page 42, lines 10 to 15, both inclusive, by striking out the words "to be distributed to school districts each year" in line 10, and all of the words in lines 11 to 15, both inclusive, and inserting in lieu thereof: "of the tax collected under this act"

"Amend Section 706, page 42, line 16, by striking out the words "added and"

Amend Section 706, page 42, line 20, by inserting after the word "available" the following: "in order to provide additional appropriations to enable the department to administer this act"

Amend Section 707, page 42, lines 21 to 26, both inclusive, by striking out all of said lines.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act imposing a graduated income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

PERMISSION GRANTED LIQUOR CONTROL INVESTIGATION COMMITTEE TO MEET DURING SESSION OF HOUSE.

Mr. OMINSKY. Mr. Speaker, I move that the Committee to investigate the Liquor Control Board be granted permission to sit during the session of the House.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 813 as follows:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in cities other than first and second class and repealing existing acts relating thereto" by changing such compensation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties other than counties of the first and second class the assessors and assistant or registry assessors performing duties pertaining to the assessment and registration of voters shall receive as full compensation for such duties the sum of [ten cents for each person assessed by them and entered on the registry list but the amount of such compensation to be paid to any assessor or assistant or registry assessor for any assessment period shall not exceed the amount he would receive if he were paid three dollars and fifty cents ($3.50)] five dollars ($5.00) per day for each day actually employed in the performance of such duties In addition to the compensation above provided they shall receive the sum of [three dollars and fifty cents($3.50)] five dollars ($5.00) per day for the special sittings at the polling places before elections and primaries as provided by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1763 as follows:

An Act providing that pawnbrokers shall not sell or dispose of property taken by them as pledge or for storage until after a certain period of time

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person being a pawn-

broker or the employe of a pawnbroker shall sell or dispose of any dry goods or clothing of any kind taken as a pledge or for storage within six months from the time of taking possession thereof nor any other article or property taken as a pledge or for storage within one year from the time of taking possession thereof

Section 2 Any person violating any of the provisions of this article shall be subject to a fine of not less than ten nor more than twenty-five dollars for each offense to be collected by process of summary conviction before any magistrate or justice of the peace as like fines are by law collected

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1764 as follows:

An Act limiting the rates pawnbrokers are allowed to charge

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That persons engaged in the business of a pawnbroker shall be entitled to charge the following interest rates and storage charges to be calculated on the amount loaned on the respective articles and shall not make any charges in excess thereof or in addition thereto

(a) On dry goods clothing and all bulky articles interest at the rate of six per centum per annum and storage charges not to exceed three per centum per month

(b) On all jewelry and small articles not included as bulky articles interest at the rate of six per centum per annum and storage charges not to exceed two per centum per annum

Section 2 Any person acting as a pawnbroker or as any employe of a pawnbroker who violates the provisions of this act shall be subject to a fine of not less than five dollars nor more than fifty dollars for each violation to be collected by process of summary proceedings before any magistrate or justice of the peace and in case of nonpayment of such fine to undergo imprisonment for a period not exceeding thirty days

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1286, entitled:

An act to amend sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" are hereby amended to read as follows

Section 10 (a) Any [applicant or licensee whose license has been refused suspended or revoked by] party aggrieved by a decision of the board shall within thirty days have the right to appeal to the court of common pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the Board The court may in proper cases remit the record to the Board for the taking of further testimony

(b) Any State association of funeral directors shall be entitled to be heard by the Board and may appeal any decision of the Board on its own behalf naming as defendants the Board and any other party in interest The said association or incorporated local association of funeral directors may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of this law or the regulations of the Board For such purposes the common pleas court of the county where the violations occur or where the defendant may be served shall have jurisdiction

Section 12 (a) No person shall [operate] practice as an undertaker or funeral director as defined herein in this Commonwealth unless he or she shall hold a license so to do as provided in this act

The provisions of this section shall not apply to

[(a)] (1) Bona fide employes of a licensed undertaker

[(b)] (2) Employes of any cemetery or crematory whose duties or business extend no further

[(c)] (3) Persons acting under the orders of commissioned medical officers of the Army or Navy or Marine force of the United States

[(d)] (4) Persons disposing of the bodies of deceased persons lawfully placed at the disposition of legally organized medical surgical or other institutions for the benefit of science

[(e)] (5) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity

[(f)] (6) Estates of deceased licensees when the business is carried on under the supervision of a licensed undertaker for such period and under such rules and regulations as may be prescribed by the board

Widows and estates shall be entitled to be licensed for a period of three years after which time such special licenses shall become invalid

(b) No person shall as an officer of a corporation allow it to practice as a funeral director unless such corporation shall be duly qualified so to do

(c) No person shall lend sell buy or obtain a license as a funeral director or a registration card issued by the Board in any other manner than is provided for in this act nor offer or attempt so to do

(d) No person shall attempt to practice under guise of a license or registration card not issued by the Board or under cover of a license or registration card obtained illegally or fraudulently or which has been revoked or suspended

(e) A person either individually or as a member of a partnership or of a corporation shall be deemed to be practicing as a funeral director within the meaning and intent of this act

(1) Who holds himself out to the public in any manner as one who is skilled in the knowledge science and practice of funeral directing embalming or undertaking

(2) Who as an employe except of a duly licensed funeral director performs services in connection with assisting in the arrangements for the burial or disposal of the body of a deceased person

(3) Who permits either as lessee employe associate or in any capacity whatsoever the operation of an establishment or enterprise of any character or description whereby the public is led to believe that therein is offered or available funeral directing or undertaking services or facilities

Section 14 (a) The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking

(b) It [may if the department approves] shall appoint an inspector whose title shall be "Inspector State Board of Undertakers Commonwealth of Pennsylvania" Such inspector shall hold office at the pleasure of the board and shall receive such compensation as shall be fixed by the board with the approval of the [Superintendent of Public Instruction] department Such inspector shall be empowered to serve all processes and papers of the board and shall have the right of entry into any place where the business or profession of undertaking is carried on or advertised as being carried on for the purpose of inspection

(c) The Board shall consist of five members appointed by the Governor with the advice and consent of the Senate All appointments after the passage of this act shall be made from licensed funeral directors of good moral character

At the expiration of the term of the member whose term shall expire first then his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-one at the expiration of the term of the member whose term is second to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-two at the expiration of the term of the member whose term is third to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-three at the expiration of the term of the member whose term is fourth to expire his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-four at the expiration of the term of the member whose term is last to expire he shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-five Thereafter all appointments shall be made for terms of five years expiring August thirty-first of each year Whenever a vacancy shall occur before the expiration of the term of any member then the succeeding appointment shall be for the unexpired portion of the said term it being the intention of this act that one member of the Board shall be appointed annually to fill the vacancy of a member whose regular term expires on August thirty-first of each year Providing always that at the expiration of a member's tenure he shall continue to serve on the Board until his successor shall have been appointed

(d) The Board shall formulate regulations and distribute the same to each registered licensee Regulations shall not become effective until sixty days after notice thereof has been given to all licensees and persons entitled to receive such notice Every person practicing as a funeral director as defined in this act and his employes shall be governed and controlled by the regulations adopted by the Board For the purposes of this act the words "undertaker" and "funeral director" shall be deemed to be synonymous

(e) At the first meeting of each year which the Board shall hold in Harrisburg it shall elect one of its members as chairman one as vice-chairman and one as secretary-treasurer It shall make an annual report to the Governor It shall keep all applications filed all documents under oath a record of its proceedings and shall maintain a register of all the names and addresses of all persons applying for and of those receiving licenses and registration cards under this act any of which or a certified copy thereof shall be prima facie evidence of all matters covered by them The Board may appoint or employ a clerk whenever in its judgment such services is needed and special counsel in place of or in addition to the Attorney General Examinations shall not be held oftener than once yearly The Board shall not hereafter grant any new branch licenses

(f) The Board may grant to individual persons from other states who are duly licensed embalmers or funeral directors a license to operate as a funeral director in this Commonwealth under such terms and conditions as the Board may prescribe provided that similar privileges are accorded in those states to those originally licensed by this Commonwealth and provided that the standards for licensing in the said states shall be equivalent to those of this Commonwealth

(g) The Board is hereby transferred from the Department of Public Instruction to the Department of Health All duties and functions under this act required to be performed by the Superintendent of Public Instruction shall be performed by the Secretary of Health who shall ex officio be a member of the board

On the question,

Will the House agree to the section?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 24, by inserting after the word "directors" the following: "or any party in interest"

Amend sec. 1, page 2, line 29, by inserting after the word "directors" the following: "or any person having an interest in the controversy"

Amend sec. 1, page 3, line 27, by striking out with light-faced brackets the word "Estates" and insert in lieu thereof "Widows"

Amend sec. 1, page 4, line 1, by inserting after the word "period" the following: "as she remains a widow"

Amend sec. 1, page 4, lines 3, 4 and 5, by striking out all of said lines

Amend sec. 1, page 5, line 2, by inserting before the word "operation" the following: "illegal"

Amend sec. 1, page 6, line 2, by striking out with heavy-faced brackets the words "forty-one" and insert in lieu thereof "forty-two"

Amend sec. 1, page 5, line 10, by inserting after the word "undertaking" the following: "including the regulation of names of persons, firms or corporations, the raising of educational and other requirements of apprentices and prescribing additional grounds for revocation or suspension of licenses and the method for the restoration thereof and such other matters as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession"

Amend sec. 1, page 6, line 5, by striking out with heavy-faced brackets the words "forty-two" and insert in lieu thereof "forty-three"

Amend sec. 1, page 6, line 9, by striking out with heavy-faced brackets the words "forty-three" and insert in lieu thereof "forty-four"

Amend sec. 1, page 6, line 12, by striking out with heavy-faced brackets the words "forty-four" and insert in lieu thereof "forty-five"

Amend sec. 1, page 6, line 15, by striking out with heavy-faced brackets the words "forty-five" and insert in lieu thereof "forty-six"

Amend sec. 1, page 7, line 11, by inserting after the word "chairman" where it first appears in said line, the following: "and"

Amend sec. 1, page 7, lines 11 and 12, by striking out with heavy-faced brackets the words "and one as secretary-treasurer"

Amend sec. 1, page 7, line 20, by inserting before the word "clerk" the following: "chief"

Amend sec. 1, page 7, lines 20 and 21, by striking out the words "whenever in its judgment such services is needed"

Amend sec. 1, page 7, line 21, by striking out with heavy-faced brackets the words "in place of or"

Amend sec. 1, page 7, lines 22 and 23, by striking out with heavy-faced brackets the words "Examinations shall not be held oftener than once yearly"

Amend sec. 1, page 7, line 24, by inserting after the word "licenses" the following: "and it may suspend or revoke inactive licenses of any individual or corporation"

Amend sec. 1, page 7, lines 25 to 28, by striking out with heavy-faced brackets all of said lines, both inclusive

Amend sec. 1, page 8, lines 1 to 5, by striking out with heavy-faced brackets all of said lines, both inclusive

Amend sec. 1, page 8, line 6, by striking out with heavy-faced brackets the letter "(g)" and insert in lieu thereof "(f)"

Amend sec. 1, page 8, line 9, by inserting after the word "Superintendent" the following: "or Department"

Amend sec. 1, page 8, line 10, by inserting after the word "Secretary" the following: "or Department"

Amend sec. 1, page 8, lines 10 and 11, by striking out with heavy-faced brackets the words "who shall ex officio be a member of the board"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

On the question,

Will the House agree to the section?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 14 of title, by inserting after the word "act" the following: "providing for the granting of licenses to widows instead of to estates"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

RESOLUTION

RECALLING HOUSE BILL NO. 1815 FROM THE GOVERNOR

Mr. DENT offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 24, 1935.

Resolved (if the Senate concur), that House Bill No. 1815, Printer's No. 554, entitled "An act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled 'An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties' providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing [material] re-agent," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. ANDREWS. Mr. Speaker, I move that the time on House Bill No. 932, Printer's No. 383, entitled

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

on page 17 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. CAPUTO. Mr. Speaker, I move that the time on House Bill No. 473, Printer's No. 620, entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred and forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports

and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents' as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

on page 18 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

RECONSIDERATION OF HOUSE BILL No. 306

Mr. MASON. Mr. Speaker, I move that the vote by which House Bill No. 306, Printer's No. 733, entitled:

An Act providing for the registration of milk bottles and containers forbidding refilling using selling purchasing giving taking retaining destroying disposing or trafficing in same without the written consent of owners imposing penalties fines and imprisonment providing for issuing process in the nature of a search warrant providing what shall constitute prima facie proof forbidding defacement covering up removing or concealing name mark or device defining procedure providing disposition of fines providing that appeal will not invalidate conviction for second offense but that sentence shall await decisions of appeal providing that the requiring taking or accepting a deposit shall not be deemed a sale providing that registration prior to this act entitles registrants to benefits of act and providing for the transfer of certificates of registration

was defeated on third reading and final passage on Monday, April 22, be reconsidered.

Mr. ATKINS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Luzerne, Mr. Mason, vote on the final passage of this bill?

Mr. MASON. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Armstrong, Mr. Atkins, vote on the final passage of this bill?

Mr. ATKINS. Mr. Speaker, I voted "no."

On the question,

Will the House agree to the motion?

The SPEAKER declared the "ayes" appeared to have it.

Whereupon, a division was called for and one hundred and nineteen members of more than a majority having voted in the affirmative, the question was determined in the affirmative, and the motion was agreed to.

RECONSIDERATION OF VOTE

Mr. MASON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. MASON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

BILL RECOMMITTED

Mr. MASON. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of amendment.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. ZIMMERMAN. Mr. Speaker, I move that the time on House Bill No. 977, Printers No. 585, entitled:

An act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships and validating tax levies of townships made after the last day now fixed by law for such levy and requiring some townships which have made their tax levies to make new levies

on page 17 of todays calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. WOODSIDE. Mr. Speaker, I move that the time on House Bill No. 1683, Printer's No. 562, entitled:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances.

on page 8 of today's calendar, bills for final passage postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. EROE. Mr. Speaker, I move that the time on House Bill No. 893, Printer's No. 587, entitled:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period

on page 8 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. RUTH. Mr. Speaker, I move that the time on House Bill No. 357, Printer's No. 278, entitled

An Act to amend clause (b) of section eight hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of cer-

tain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by requiring front registration plates to be illuminated.

on page 7 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate of Pennsylvania, March 25, 19395.

Resolved, (If the House of Representatives concur), That there is hereby established the Joint Legislative Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Government, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotation, understanding, and cooperation between the State of Pennsylvania and the other states of the Union, both regionally and nationally;

The Commission shall report to the governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. Its members shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this resolution. It may employ a secretary and such other assistants as are needed in the performance of its duties, or it may share the expense of such employment with similar commissions of other states. An item of appropriation shall be inserted in the general appropriation law to pay such expenses and secretarial and clerical assistance;

The said Commission shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate;

The five members of the Committee on Interstate Cooperation of the House of Representatives; and

Five officials of the State named by the Governor, one of whom shall be designated by him as the chairman of the Commission;

The Secretary of the Commonwealth shall forthwith communicate the text of this measure to the legislature of each of the other state of the Union, with the respectful request that each legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition and conflict.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

BILL INTRODUCED AND REFERRED

By Mr. SCHWARTZ. HOUSE BILL No. 2782.

An Act imposing a State license tax on all persons owning or possessing radios, and providing for the collection thereof by the county treasurers, justices of the peace, aldermen, magistrates, notaries public, and the Department of Revenue; and imposing certain powers and duties on the various tax assessors.

Referred to the Committee on Ways and Means.

REPORTS FROM COMMITTEES

Miss BRANCATO, from the Committee on Law and Order reported as committed, House Bill No. 18, entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchase of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act;" legalizing the home manufacture of wine.

Mr. DENT, from the Committee on Law and Order reported as amended, House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May, one thousand nine hundred and thirty-three, (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for the collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties, and repealing existing acts," as amended, by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board; eliminating existing retailer's licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses; providing for the licensing of manufacturers of malt and brewed beverages, and for the issue of public service licenses and special permits relating to entertainment by said board; changing license fees, and providing for the disposition thereof; providing for the abatement of nuisances; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale, transportation and traffic in malt and brewed beverages; prescribing penalties and repealing inconsistent acts.

Mr. DENT, from the Committee on Law and Order reported as amended, House Bill No. 2437, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation

or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," by extending the provisions of said act to the manufacture and possession of alcoholic beverages; permitting licensees to sell for consumption off premises; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale and traffic in alcoholic beverages; and prescribing penalties.

LEAVE OF ABSENCE

Mr. SPROUL asked and obtained leave of absence for himself for the balance of the week.

Mr. SIMON asked and obtained leave of absence for the balance of the week after today.

Mr. RINN asked and obtained leave of absence for himself for the balance of the week.

Mr. HETRICK asked and obtained leave of absence for himself for the balance of the week.

Mr. COAKLEY asked and obtained leave of absence for himself for the balance of the week.

Mr. JAMES L. SNYDER asked and obtained leave of absence for himself for the balance of the week.

Mr. FRANCIS T. BAKER asked and obtained leave of absence for himself for the balance of the week after today.

Mr. MURRIN asked and obtained leave of absence for himself for the balance of the week.

BILL ON THIRD READING

Mr. WELSH. Mr. Speaker, I desire to call up at this time House Bill No. 909, Printer's No. 666, on page 18, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WELSH.

The House resumed the consideration on third reading of House Bill No. 909, entitled:

An Act to provide reimbursement for hospitals on account of expenses of the care of indigent persons injured in motor accidents imposing powers and duties upon certain State departments and making an appropriation from the Motor License Fund

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WELSH. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of amendment.

The motion was agreed to.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 4.

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

SENATE BILL No. 261.

An Act to amend section seven hundred and one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by providing that repeals of acts therein contained shall not be construed to revive acts theretofore repealed

SENATE BILL No. 519.

An Act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field.

SENATE BILL No. 149.

An Act authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors who die become ill or are discharged for legal cause

SENATE BILL No. 710.

An Act to amend section six of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-seven) entitled "An act to provide for the personal registration of electors as a condtion of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions theerin defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons

committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the court judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" changing the qualifications of persons to be appointed as registrars

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Cities will meet immediately after this morning's session in the Conference Room.

The Committee on Corporations will meet immediately after this morning's session in room 323.

The Committee on Forestry will meet immediately after this morning's session in room 325.

The Committee on Public Health and Sanitation will meet immediately after final adjournment in room 521.

The Committee on Judiciary Special will meet immediately after this morning's session in room 541.

The Committee on Municipal Corporations will hold a hearing on House Bills Nos. 2104, 2105, 2106, 2107, 2108, 2109, 2110 and 2120 immediately after this session in room 324.

The Committee on Public Utilities will hold a hearing on House Bills Nos. 1987 and 2023, at 2:30 P. M. in the Hall of the House.

Republican members of the House interested in playing in the proposed baseball game against our friendly enemies, the Democratic members, please meet for a few moments in the House Conference Room at the rear of the House immediately after adjournment this morning.

The SPEAKER. The Chair has been requested to announce that the Gridiron Dinner held by the Pennsylvania Legislative Correspondents Association will be held this evening at 6:30 in the ball room of the Penn-Harris Hotel.

The Chair wishes to say to the new members who have never attended any of these functions that the Gridiron Dinner always represents the high point in entertainment available to the members during the session.

ADJOURNMENT

Mr. HARKINS. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 10:00 A. M.

The motion was agreed to, and (at 2:05 P. M.) the House adjourned until Thursday, April 25, 1935, at 10:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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Vol. 18. HARRISBURG, PA., THURSDAY, APRIL 25, 1935 No. 52

HOUSE OF REPRESENTATIVES

THURSDAY, April 25, 1935

The House met at 10:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Marshall L. Shepard, a member of the House, offered the following prayer:

O God, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, before Thou hadst formed the earth and the world, even from everlasting to everlasting Thou art God. We pray Thee that we may have an awareness of Thy presence and Thy direction in all we shall undertake. Bless the Governor of the Commonwealth, the Speaker of this House and all his aides and the members of this body. May we seek to do Thy will, to seek justice and fairness for all that we shall do. These and all other blessings we ask through Jesus Christ, our Lord, and for His sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. POWERS the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 609 AND ARMISTICE DAY RESOLUTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 23, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 609, Printer's No. 309, entitled, "An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) 'An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' permitting the assignment of rights by members in certain cases."

A Resolution of the House of Representatives and Senate urging the Governor to issue a proclamation calling upon the State officials to display the United States flag on the State buildings and the people of the Commonwealth to display the State flag at their homes and other suitable places on Armistice Day, and to otherwise properly observe the day.

GEORGE H. EARLE.

LEAVE OF ABSENCE

Mr. Wall asked and obtained leave of absence for Mr. ALTENBURG.

Mr. Brownfield asked and obtained leave of absence for Mr. KLINGER.

REPORTS FROM COMMITTEE

Mr. LaRUE, from the Committee on Municipal Corporations reported as committed, House Bill No. 2483, entitled:

An Act simplifying the procedure for the construction and financing of public works projects by counties, cities, towns, boroughs, townships, school districts, and poor districts, defining such agencies as political subdivisions; enabling such political subdivisons to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon such political subdivisions.

Mr. ZAPPALA, from the Committee on Corporations reported as committed, House Bill No. 1042, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to aprove or disapprove their incorporation or right to do business within the Commonwealth.

Mr. KINNEY, from the Committee on Cities reported as committed, House Bill No. 1579, entitled:

An Act to further amend article thirty-five of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for the acquisition and operation by cities of electric light and power, natural and artificial gas, steam or other forms of heat, plants and of water works and supply systems, together with the transmission and distribution systems of each, both within and without the city limits; providing for the cost thereof and for changes for service; and limiting the power and jurisdiction of the Public Service Commission in certain cases.

Mr. DILLEY, from the Committee on Forestry, reported as committed, House Bill No. 2270, entitled:

An Act to further amend section three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp, and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers; confirming and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir; providing

for the acquisition of necessary lands therefor, and the necessary agreements and releases relating thereto, and the disposition of surplus land and materials," conferring additional powers and duties on the Water and Power Resources Board.

Mr. McDERMOTT, from the Committee on Municipal Corporations reported as committed House Bill No. 2332, entitled:

An Act to enable city, county, poor, ward, school, borough and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years from the passage of this act.

Mr. McDERMOTT, from the Committee on Municipal Corporations reported as committed House Bill No. 2486, entitled:

An Act to amend the act approved the twentieth day of April, one thousand eight hundred seventy-four (Pamphlet Laws, sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," as amended and supplemented, by clarifying the law relating to municipal financing; further defining the method of determining permitted and existing indebtedness; modifying and simplifying the procedure for incurring or increasing indebtedness, either with or without an election; reducing the period of time required for advertising elections and sales of bonds; providing for the private sale of bonds to the United States of America; and repealing conflicting acts and sections of acts.

Mr. STEWART, from the Committee on Cities reported as committed House Bill No. 2633, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," as amended; by further extending the powers of such cities.

Mr. BOYER, from the Committee on Cities reported as committed, House Bill No. 1571, entitled:

An Act to amend sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by changing the conditions of the bond of the city treasurer as tax collector; and providing when liability on such bond shall cease.

Mr. DUFFORT, from the Committee on Cities reported as committed, House Bill No. 2006, entitled:

An Act to amend paragraph two of section two thousand four hundred and three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council of such cities to hire certified public accountants to audit the affairs of the city when it deems it necessary.

Mr. JONES, from the Committee on Public Health and Sanitation reported as committed, House Bill No. 2637, entitled:

An Act imposing duties upon the Department of Health, and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances.

Mr. SURFACE, from the Committee on Forestry reported as committed, House Bill No. 2028, entitled:

An Act requiring the Water and Power Resources Board, in granting certain permits, to fix and collect annual charges and impose terms and conditions for the protection of the Commonwealth.

Mr. ROBINSON, from the Committee on Municipal Corporations re-reported as committed House Bill No. 370, entitled:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed House Bill No. 2561 (Senate Bill No. 581), entitled:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation

Mr. KINNEY, from the Committee on Municipal Corporations reported as committed House Bill No. 2433 (Senate Bill No. 520), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Mr. LONGAKER, from the Committee on Judiciary Special reported as committed, House Bill No. 2770, (Senate Bill No. 666), entitled:

An Act regulating the motor vehicle junk business requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

Mr. LONGAKER, from the Committee on Judiciary Special reported as committed, House Bill No. 2775 (Senate Bill No. 752), entitled:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation.

Mr. BURKE, from the Committee on Cities reported as committed, House Resolution No. 72.

Miss BRANCATO, from the Committee on Cities reported as commited, House Resolution No. 128.

Mr. LONG, from the Committee on Judiciary Special reported as committed, House Resolution No. 130.

Mr. STOCKHAM, from the Committee on Judiciary Special reported as committed, House Resolution No. 131.

Mr. BURKE, from the Committee on Cities reported as committed, House Resolution No. 132.

Mr. MOOMAW, from the Committee on Judiciary Special reported as committed, House Resolution No. 133.

Mr. BURKE, from the Committee on Cities reported as committed, House Resolution No. 135.

Mr. WITKIN in the Chair

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2513, entitled:

An Act providing for the incorporation as bodies corporate and politic of "Authorities" for counties defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and for other purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1552, entitled:

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providng revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended eliminating the provision which requires that county and district superintendents of schools shall have had three years experience in a supervisory or administrative capacity

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1692, entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" limiting the time within which claims for refunds must be made

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1475, entitled:

An Act to amend section one hundred and fifty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the commissions of the county treasurer in certain counties for receiving and paying over malt liquor license moneys

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1886, entitled:

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearing the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2017, entitled:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1778, entitled:

An Act to protect the owners of mortgaged property during the present emergency by limiting the time within which deficiency judgments may be proceeded for and limiting the amounts thereof during a certain period

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2222, entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2064, entitled:

An Act authorizing the utilization of the School of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2066, entitled:

An Act to further amend section six of the act approved the third day of June one thousand nine hundred nineteen (Pamphlet Laws three hundred sixty-six) entitled "An act reorganizing the Department of State Police creating therein a Bureau of Fire Protection providing for a State Police Force and defining the powers and duties of the same including the enforcement of laws relating to game fish forestry and water supply and certain other laws and including the collection of information useful for the detection of crime and the apprehension of criminals providing for the equipment maintenance and transportation of such police providing for barracks and substations therefor and prescribing penalties" by increasing and revising the personnel of the State Police Force.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2293, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with the United States on such land for the services of legal process thereupon

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1893, entitled:

An Act to amend section one thousand six hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the daily school hours according to standard time

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 269, entitled:

An Act providing financial assistance for certain residents of this Commonwealth over fifty years of age who are not gainfully employed and who do not have a certain income establishing claims against the estates of such persons for assistance received requiring a certain percentage of the assistance received to be expended monthly creating and defining the powers of the citizens retirement board and defining the powers of the Department of Labor and Industry

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1988, entitled:

An Act authorizing the county commissioners of counties of the third class to apropriate funds of the county and to furnish space in any county building for the maintenance and support of any legal aid agency approved by the court of common pleas of such county

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2205, entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 21, entitled:

An Act authorizing courts of common pleas in certain cases to stay or continue proceedings under the provisions of the act approved the twentieth day of April one thousand nine hundred and five (Pamphlet Laws two hundred thirty-nine) entitled "An act providing for and defining the rights remedies duties and liabilities of purchasers of real estate at judicial sales and of their grantees heirs and devisees and of the persons then in possession thereof" and to stay writs of possession issued pursuant thereto providing for the continuance of return days of such writ of possession and authorizing execution thereon without issuance of further writs

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2242, entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2512, entitled:

An Act staying legal proceedings against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust assets placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1826, entitled:

An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing disease to honeybees

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1439, entitled:

An Act requiring insurance companies after receiving notices of loss or damage from policy holdiers to furnish them forms for filing proofs of claims

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1605, entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2301, entitled:

An Act to amend section two of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws four hundred forty-two) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" by providing for armories for the tank regiment of the Pennsylvania National Guard

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2296, entitled:

An Act to further amend section five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred ninety-six) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for a tank regiment

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 926, entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1221, entitled:

An Act to amend a part of section one of the act approved the twelfth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and one) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1942, entitled:

An Act to amend article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by prohibiting letting of contracts for printing to printing establishments in which a county officer or employe is interested and prescribing a penalty

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2194, entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof tha tare or may be inconsistent therewith" making it unlawful for any board or school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1083, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam boilers pressure vessels steam or internal combustion engines turbines and refrigerating machinery and hoisting and portable machinery irrespective of the motive power designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 432, entitled:

An Act giving to former owners of homesteads sold at sheriffs' sale the right to lease such homesteads for a period of two years from the date of any such sale and also during said two year period the right to redeem such homestead from any such sale and providing the procedure in such cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2547, entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 290, entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred ten) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by providing for the payment of borough funds only upon orders and only when there are sufficient funds available for the payment of such orders.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2035, entitled:

An Act to amend article fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or parts thereof that are or may be inconsistent therewith" by requiring certain children between the ages of seven and eighteen to attend school

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2369, entitled:

An Act to further amend section two hundred and fifteen of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" by authorizing directors of the poor of abolished poor districts to levy and collect such additional taxes as may be required to pay all outstanding debts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 910, entitled:

An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred and nine) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical and funeral expenses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1924, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to corporations not previously licensed

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2125 (Senate Bill No. 768), entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1035, entitled:

An Act to amend sections four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" clarifying certain service requirements of eligibility for compensation stipulating the time within which applications shall be made and rendering certain additional classes eligible to receive compensation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 18, entitled:

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holdng in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverages by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquids and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing acts or parts of acts inconsistent with this act" legalizing the home manufacture of wine

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred and fifty-two) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. SOWERS. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2437, entitled

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell for consumption off premises providing for the revocation and suspension of licenses by the board further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. SOWERS. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study.

The motion was agreed to.

The SPEAKER (Wilson G. Sarig) in the Chair.

RESOLUTION

CONGRATULATING HON. MORTON WITKIN

Mr. BLUMBERG offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 25, 1935.

To have arrived at the age of 40 years is not necessarily an outstanding accomplishment;

But when, within that brief span is crowded service with the armed forces of his country in the late war, and ten years active service within these Halls, it is indicated that the mature existence of such a man has not been inactive.

A leader of the party of his choice during the period when that party dictated the policies of this Common-

wealth. even greater as the fighting spearhead of the minority, keen of perception, quick of thought, incisive of speech, courageous in attack or defense, be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania congratulate the Honorable Morton Witkin on this his birthday, and be it further

Resolved, That the good wishes of this body go with him over the long broad highway of success, which so obviously lies before him.

GIFT PRESENTED TO HON. MORTON WITKIN

Mr. ZIMMERMAN. Mr. Speaker and members of the House, the year eighteen hundred and ninety-five was conspicuous for three events: the first was the assassination of the Bulgarian premier; the second the Cuban revolution, and the third the birth of Mort Witkin. Whether or not the latter had any bearing upon the other two is an open question which I submit to the House.

Mort Witkin upon passing through the early stages in the kindergarten, attended the local schools in Philadelphia, where it was necessary to burn down the school building to get him out of the seventh grade. After doing that he proceeded to the University of Pennsylvania, where he became famous as a member of the debating team. That team's most outstanding combat was with the members of the Deaf and Dumb Institute of Philadelphia from which the famous Mort Witkin emerged with glorious colors flying. After graduating from law school, he was admitted to the bar and has become one of Philadelphia's really prominent lawyers.

Today he is forty years of age and in those forty years I think you will agree with me that there has been crowded much work, labor and success and because forty years is not far removed from fifty—which is the brow of the hill—we the members of the Republican caucus have decided that we would mark this event in some fitting and appropriate style.

The Republican members of the House would like to have Mort remember this day not only because it is his birthday, but also because it is his birthday in a year in which he has served his party so well.

You of the Democratic side of the House admire a good Democrat and we admire you for admiring a good Democrat, and we of the Republican side of the House admire a good Republican and we feel sure that you admire us because we admire a good Republican.

Because Mort Witkin has served his party, served it well and conscientiously and with a fine devotion to duty, it is my pleasure and indeed my privilege to present this hand painted shaving mug (golf bag and clubs) to our good friend Mort Witkin in honor of the day.

Mr. RUTH. Mr. Speaker and members of the House, we on the Democratic side of the House have no playground apparatus to offer, but we do heartily congratulate the gentleman from Philadelphia on his birthday and our well wishes go with him for many years of useful service in this House and in his community.

Mr. HOOPES. Mr. Speaker and members of the House, I certainly want to second or third, or whatever it is, the congratulations to the honorable gentleman from Philadelphia, and I want to extend the congratulations further by saying that from the many experiences we have had in this House and last evening, I think he can put on a better show than we had last evening any day, and that without any reflections, of course, upon the gentleman of the press.

I want to say, further, that it is my fervent wish that the gentleman from Philadelphia shall continue to be the leader of a minority party in this House.

Mr. WITKIN. Mr. Speaker and members of the House and over here on my left my wife and daughter—and I will put my daughter's name in the record if you do not object, Marjorie E. Witkin—I want to say to you that I deeply appreciate a number of things.

First, I think it was very gracious and very nice and generous of your Speaker on this my birthday to permit me for the first time in the ten years that I have been a member of the Legislature to preside over the deliberations of this House. For that honor I want to thank him personally, and then for the resolution that was passed by this House I want to thank each and every one of you.

I seldom find myself lacking for words and I seldom find myself somewhat embarrassed in addressing you, but I want to say to you most seriously that at this moment I do so find myself.

I want to thank the Democratic party, through their leader, for having taken the trouble to congratulate me on this my birthday. I want to thank the party that will forever remain the minority party, through their leader the gentleman from Berks, Mr. Hoopes, for joining in congratulating me and for wishing that I might remain on the bottom forever and aye. However, I do want to say this, that it is symbolical of a change that has taken place in this House. When we first met there were a few bitternesses and there was a sort of one looking upon the other as if because we were of opposite political parties, we were not human but we were inhuman, but a feeling of friendliness has now pervaded this House and it grows from day to day in spite of the fact that we are fighting on opposite sides in a political battle. So much for the Democratic members of this House.

When I turn to my Republican colleagues who have been so generous as to give me this lovely gift, I can not help but say that it was awfully nice of you; it was awfully nice of you to remember me in the way you have. I deeply and sincerely appreciate the gift both for its real value as well as for the thought that is behind it and I shall throughout my life—and at my age I never expect to need another set of golf sticks—I shall keep this gift with the fondest remembrances, that it has come from a splendid group of men who have stood behind me in my humble capacity in the most unselfish way possible; who have always been loyal and faithful through thick and thin, And I hope that I have proved so far to have been worthy of their trust. I want to say, individually and collectively, that no man has ever had the privilege of being the leader of a finer group of men than I have of being your leader.

I thank you from the depths of my heart and I hope I shall continue to merit your confidence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to remind the members that the Governor's and Mrs. Earls's reception to the General Assembly is on Wednesday evening, May 1st, which is next week, at 8:30 Eastern Standard Time—not Daylight Time.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. All sessions of the House will be on Eastern Standard Time. Daylight Time will be ordered in a number of communities next week, so the Chair wanted to inform the membership of this fact.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that there will be a meeting of all members interested in the subject of tax relief in the House caucus room next Monday, April 29th, at 5:30 o'clock P. M. Every member of this House is urged to attend.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2030, as follows:

An Act to amend the act approved the twenty-eigth day of April one thousand eight hundred eighty-seven (Pamphlet Laws sixty-three) entitled "An act in relation to the imprisonment government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" by revising and changing the method of paroling inmates from the Pennsylvania Industrial School and for their final discharge

Section 1 Be it enacted by the Senate and House of Representaitves of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections six ten twelve and fourteen of the act approved the twenty-eighth day of April one thousand eight hundred eighty-seven (Pamphlet Laws sixty-three) entitled "An act in relation to the imprisonment government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" are hereby amended to read as follows

Section 6 Every sentence to the [reformatory] school of a person hereafter convicted of a felony or other crime shall be a general sentence to imprisonment in the Pennsylvania Industrial [Reformatory] School at Huntingdon and the courts of this Commonwealth imposing such sentence shall not fix or limit the duration thereof The term of such imprisonment of any person so convicted and sentenced shall be terminated [by the board of managers of the reformatory as] in the manner hereinafter authorized by this act but such improvement shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced

Section 10 The board of [managers] trustees shall have the power to transfer temporarily to the State [prison] penitentiary of the proper district any prisoner who subsequent to his committal shall be shown to their satisfaction to have been at the time of his conviction more than twenty-five years of age or to have been previously convicted of crime and may also so transfer any apparently incorrigible prisoner whose presence in the [reformatory] school appears to be seriously detrimental to the well being of the institution And such [managers] trustees may be written requisitions require the return of the [reformatory] school of any person who may have been so transferred The said board of [managers] trustees shall also have the power to make all rules and regulations necessary and proper and not contrary to the Constitution and laws of this Commonwealth for the [employment] discipline instruction education and [removal and absolute temporary conditional release] transfer of all convicts in said [reformatory] school and shall have authority to prevent the escape of convicts at all hazards

Section 12 The board of [managers] trustees shall under a system of marks or otherwise fix upon a uniform plan under which they shall determine what number of marks or what credit shall be earned by each prisoner sentenced under the provisions of this act as the condition of increased privilege or of release from their control which system shall be subject to revision from time to time Each prisoner so sentenced shall be credited for good personal demeanor diligence in labor and study and for results accomplished and be charged for derelictious negligences and offenses An abstract of the record in the case of each prisoner remaining under control of the said board of [managers] trustees shall be made up semi-annually considered by the [managers] trustees at a regular meeting and filed with the Secretary of the Commonwealth which abstract shall show the date of admission the age and the then present situation whether in the [reformatory] school State prison asylum or elsewhere whether any and how much progress of improvement has been made and the reason for release or continued custody as the case may be The [managers] trustees shall establish rules and regulations by which the standing of each prisoner's account of marks or credit shall be made known to him as often as once a month [and oftener] if he shall at any time request it and may make provisions by which any prisoner may see and converse with some one of said [managers] trustees during every month When it appears to the said [managers] trustees that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law and that his release is not incompatible with the welfare of society then they shall [issue to such prisoner on absolute release from imprisonment in the form provided in section fourteen of this act and shall certify the fact of such release and the grounds thereof to the Governor and the Governor may thereupon in his discrtion restore such person to citizenship] recommend the release of such prisoner on parole in the manner hereinafter provided by this act But no petition or other form of application for the release of any prisoner shall be entertained by the [managers] trustees Nothing herein contained shall be construed to impair the power of the Governor to grant a pardon or commutation in any case

Section 14 When in the opinion of the superintendent after due investigation and obtaining the opinion of the physician and moral instructor any person confined in the [reformatory] school has given such evidence as is deemed reliable and trustworthy that such person has been so improved by his treatment in said [reformatory] school as to justify his liberation a certificate of the fact and the opinions of the superintendent doctor and moral instructor under their hands and seals shall be submitted to the board of [managers] trustees when after due notice to all the [managers] trustees at the next meeting thereafter said board shall consider the case of the person so presented and when the said board shall determine that such person is entitled to his [discharge] release on parole said board shall [cause a record of the case of such person to be made showing] recommend to the Governor that such prisoner be released on parole and shall send to the Governor a report of such prisoner signed by the trustees which shall contain the following information namely the full name of the prisoner together with any alias which such prisoner may be known to have the date of commitment to the [reformatory] school the time he has been detained the cause thereof a copy of his sentence the copy of the certificate as aforesaid of the officers and the action thereon of the board [said record to be signed by the managers and sent to the judge of the court that sentenced said persons to the reformatory who shall after consulting the district attorney and no further reason for detention existing send the seal of the court to the said board an order to discharge the said person from said reformatory] the date for his release from the school if allowed and the reasons of the board of trustees for its recommendation Upon receipt of any such report the Governor shall if he deems it advisable issue his mandate ordering the release of such prisoner on parole Privided however That the Governor shall not order the release of any such convict until the Board of Pardons of this Commonwealth after full hearing upon due public notice and in open session according to such rules as it shall provide shall have recommended the release of such convict on parole

If it shall at any time between the date of the release of such convict and the date of the expiration of his possible maximum sentence appear to the Board of Pardons of this Commonwealth that any convict so released from the school on parole will live and remain at liberty without violating the law and that it will be to the advantage of such convict that he be released from the terms of his parole then upon the recommendation of the board the Governor may issue his mandate granting a final discharge to the convict

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1524, as follows:

An act regulating and prescribing the computation and running of sentences for criminal offenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act all sentences for criminal offenses of persons who at the time sentence is imposed are held in custody in default of bail or otherwise shall begin to run and be computed from the date of commitment for the offense for which said sentence shall be imposed unless the person sentenced shall then be undergoing imprisonment under a sentence imposed for any other offense or offenses in which case the said sentence shall begin to run and be computed either from the date of imposition thereof or from the expiration of such other sentence or sentences as the court shall in its discretion direct

Section 2 The date of commitment referred to in section one of this act shall be the date of the last commitment for the offense for which the sentence is imposed

Section 3 If the sentence imposed shall be to any penitentiary or prison other than that in which the person sentenced shall have been held in custody it shall be the duty of the court to state in the sentence the date of commitment of such person

Section 4 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 57 as follows

An Act revising and consolidating the laws relating to the time for filing reports of viewers to continuonces to final confirmation of such report or portions thereof where no exceptions are filed or appeals taken or reviewers asked for and to the collection of damages in such proceedings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That viewers or reviewers or juries of view under any designation or body appointed by any court of this Commonwealth to pay out open vacate change and relay or widen any public or private road street or highway to assess damages or benefits incident to any public improvement or the enlargement of any public work by the State county or local authorities in any county city borough township or town within the Commonwealth to assess damages and benefits due to the taking injury or destruction of private property in an eminent domain proceeding of any character exercised by any corporation private or public municipal or quasi municipal or to perform any duty under any statutory requirement whatsoever shall file and present their report for confirmation nisi within ninety days of the date of their appointment unless the court shall fix a different date when so appointing them provided that for any good sufficient reason said court may in its discretion upon application before at or during the time fixed for making a report or within thirty days thereafter extend the time for filing same to such time as the exigencies of the case may demand and when such report has been filed if the statute or statutes regulating the procedure give to any interested party the right of exception appeal review or alias views such right shall be exercised within thirty days from the date of filing and confirmation nisi and if such right is not thus exercised such report or portions thereof not excepted to or appealed from shall upon presentation thereof for confirmation by any party to the suit after said limitation period has expired be confirmed absolutely

Section 2 If the report of viewers or jury of view shall be confirmed by the court as above prescribed any party or parties to whom an award has been made and from whose award no appeal has been taken shall have the right to take such further appropriate legal proceedings as may be necessary and proper to enforce payment of said confirmed award either in nature of a writ of mandamus execution or otherwise

Section 3 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 4 The following acts and parts of acts are hereby repealed as respectively indicated

The act approved the eighteenth day of March one thousand nine hundred and three (Pamphlet Laws twenty-eight) entitled "An act regulating the filing of reports of viewers or juries of view appointed by the courts of this Commonwealth to assess damages and benefits for the taking injury or destruction of private property in the construction or enlargement of public works highways or improvements" absolutely

The act approved the twenty-seventh day of May one thousand nine hundred and three (Pamphlet Laws eighty-three) entitled "An act to provide for the confirmation of the reports of viewers or juries of view appointed by the courts of quarter sessions to assess damages and benefits and for the collection of damages in such proceedings" absolutely

The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws four hundred twenty-eight) entitled "An act fixing the time for the confirmation of the reports of viewers or portions thereof in proceedings to assess damages or benefits incident to public improvements where no exceptions are filed or appeals taken" absolutely

All other acts or parts of acts local and general inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2485, as follows:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and public service companies and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That the Department of Highways in the discretion of the Secretary of Highways by written declaration filed with the Public Service Commission may assume and pay all or any part of the property damages for land or buildings thereon taken injured or destroyed in

the elimination of a grade crossing or in the alteration or abolition of an existing overhead or undergrade crossing on a State highway route within any township or any borough of the Commonwealth provided however that the payment of all or any part of such property damages shall be limited solely to cases where the costs of construction are being paid by the Federal Government

Section 2 In such cases the Secretary of Highways is hereby authorized to enter into agreements with counties townships boroughs and public service companies for sharing all or any part of the property damages Any monies received under the terms of such agreements shall be deposited in the Motor License Fund

Section 3 So much of the money in the Motor License Fund as may be necessary from time to time to carry out the provisions of this Act are hereby appropriated to the Department of Highways for such purpose

Section 4 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1147, as follows:

An act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing brief and/or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefits thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sec 1 In any appeal now pending or which may hereafter be taken to the Supreme or Superior Courts in which the party or parties seeking relief under this Act are not corporations it shall be the duty of said courts upon proper petition verified by affidavit to permit the petitioner to proceed in forma pauperis and to omit in whole or in part as may be necessary because of the financial inability of the petitioner printing which would otherwise be necessary under the Rules of such Court

Sec 2 Where printing of the record is dispensed with under this Act the manuscript record shall be treated as before the Court for consideration as fully as if printed in accordance with the Rules of Court

Sec 3 Where printing of briefs is dispensed with under this Act the party taking advantage of the Act shall file with the Prothonotary and serve upon the opposing party at the time required by the Rules of Court for printed briefs duplicate typewritten briefs otherwise complying with the Rules of Court but only one copy shall be served upon the opposing party and only eight filed with the prothonotary

Sec 4 Where an appellant by virtue of the provisions of this Act is permitted to dispense with printing of the whole or any part of the record appellee may at his option print and file the record which would otherwise have been required of appellant or such portions thereof as he may desire but in the latter event stating at the place where it would otherwise appear the nature of the omission Should such omissions be made the Court shall not be confined in its review to the printed material but shall consider the omitted material from the manuscript record as provided in Section 2 hereof

Sec 5 The petition for leave to proceed in forma pauperis shall specify in detail the financial situation of the petitioner including employment and earnings if any income of every kind real estate and personal assets and shall show the actual inability of the petitioner to pay for the printing in accordance with the Rules of Court and the extent to which printing can be done if at all After consideration of such petition unless the opposing party disproves the facts alleged therein to the satisfaction of the Court or proof of specific facts contradicting the allegations of the petition the Court shall make Order permitting the petitioner to omit printing of matter otherwise required by the Rules of Court to the extent shown by the petition to be necessary in order that the petitioner shall not be deprived of his day in Court

Sec 6 The making of material false statements in such petition shall constitute perjury and upon conviction thereof the petitioner shall be subject to the same penalties as in other cases of perjury

Sec 7 This Act shall take effect immediately

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2324, as follows:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs

Whereas, Under the "Dog Law of one thousand nine er claims for loss of livestock from rabies may be paid hundred and twenty-one " uncertainty exists as to whethunless it can be shown that such livestock was actually bitten by a dog and

Whereas Legislation is pending to remove said uncertainty and to make such claims payable in the future and

Whereas There exists a number of such claims that have been proven to the satisfaction of the Department of Agriculture but which the department is not satisfied that it has the authority to pay therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any person has sustained any loss of any livestock because of rabies or any livestock of any person has been necessarily destroyed because of rabies and such fact has been established to the satisfaction of a duly authorized agent of the Department of Agriculture in the manner prescribed in the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) known as the "Dog Law of one thousand nine hundred and twenty-one" and its amendments the amount of the loss so sustained as determined by such agent of the Department of Agriculture upon the approval of the report of such agent by the Secretary of Agriculture shall be paid by the Commonwealth notwithstanding the fact that it has not been proven in such cases that the bite of a dog caused the rabies and the Secretary of Agriculture shall immediately draw a requisition in favor of the claimant for the amount of the loss such claimant has sustained according to the report of such agent together with necessary and proper costs incurred Such amount shall be paid from any appropriation to the Department of Agriculture available for the purpose of paying claims for loss or damage to livestock or poultry by dogs

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 968, as follows:

An Act prohibiting certain persons from selling taking orders for delivering or being interested in the manufacture or sale of machinery equipment materials feed supplies or other things used by milk producers and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That after the thirtieth day after the effective date of this act no milk distributor or any representative agent or inspector of any milk distributor nor any State municipal or other inspector of dairy farms shall sell take orders for the sale or deliver any machinery equipment materials feed supplies or any other thing used in or in connection with the production or handling of milk by producers nor shall any such person be financially interested in be employed by receive any compensation from or act as agent or solicitor or distribute literature or circulars for nor recommend the products of any person copartnership association or corporation manufacturing or selling any machinery equipment materials feed supplies or any other thing used in or in connection with the production or handling of milk by producers

This act does not prohibit the sale of cans pails strainers strainer pads, cleansers or clorinating and sterilizing solutions and powders to milk producers by any distributor or the taking of orders for such items by representatives agents and inspectors of any distributor for and on behalf of such distributor

Section 2 Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than fifty dollars for the first offense not more than one hundred dollars for the second offense and not more than five hundred dollars for the third or any subsequent offense and in addition thereto in the case of individuals members of partnerships and the responsible officers and agents of associations and corporations to undergo imprisonment for not more than thirty days for any third or subsequent offense

Section 3 If on the effective date of this act any milk distributor or any representative agent or inspector of any milk distributor or any State municipal or other inspector of dairy farms has in his possession an inventory of such machinery equipment materials feeds supplies or other things used in or in connection with the production or handling of milk by producers or if such person owns any stock bonds or other securities of or interest in any copartnerships association or corporation engaged in the manufacture or marketing of such machinery equipment materials feeds supplies or other things which goods stocks bonds securities or interests cannot be disposed of within thirty days except at a loss he may within thirty days after such effective date apply to the Department of Health for leave to continue to sell such goods or to sell or dispose of such securities or interests during such additional time as the department shall allow Such application shall set forth an itemized statement of such goods securities and interests and the reasons for not being able to dispose of them within such thirty days except at a loss If the department is satisfied with such statement it shall grant such reasonable time within which such goods securities and interests may be disposed of

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1947, as follows:

An act to amend clause (b) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forefeitures of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" as amended extending the priod for a surviving spouse to elect to take under or against a will in case a will is contested

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (b) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" as last amended by section one of the act approved the twenty-fourth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred forty-eight) is hereby further amended to read as follows

(b) A surviving spouse electing to take under or against the will of the decedent shall in all cases except where such surviving spouse is the sole legatee and beneficiary under the will manifest the election by a writing signed by him or her duly asknowledged before an officer authorized by law to take the acknowledgment of deeds and delivered to the executor or administrator of the estate of such decedent within one year after the issuance of letters testamentary or of administration Neglect or refusal or failure to deliver such writing within said period shall be deemed an election to take under the will Provided however That in the event there is a contest of the will an election by a surviving spouse may be made as above provided at any time within thirty days after the final adjudication of the contest notwithstanding that the limitation of one year above provided has expired

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1072, as follows:

An Act to amend section one paragraphs thirteen and fourteen of section five and section seven of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred eighty-five) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" regulating the holding and vote of common stock of cooperative agricultural associations by similar corporations or associations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred eighty-five) entitled "An act to provide for the incorporation and regulation of cooperative agricultural asso-

ciations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in this act unless the context otherwise require "association" means an association formed under this act the word "patron" means a person copartnership association or corporation engaged in agriculture as hereinafter defined whose products are sold by or supplies purchased through the association or who has executed a contract with the association as hereafter provided in section ten "agricultural products" shall include all agricultural horticultural vegetable fruit and floricultural products of the soil live stock and meats wool hides poultry eggs dairy products nuts mushrooms and honey but shall not include timber products words used import the singular or the plural as the case may demand

Section 2 That paragraphs thirteen and fourteen of section five of said act are hereby amended to read as follows

13 To issue and sell its preferred and common stock but no person shall become the owner of more than five per centum of the outstanding common stock of the association Provided however That any corporation or association organized under or accepting the provisions of this act or the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred sixty-six) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations not having a capital stock and not conducted for profit and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising beekeeping and horticulture" and its amendments may become the owner of all or any portion of such outstanding common stock

14 To purchase and hold stock of corporations and associations engaged in agriculture or in the buy or [selling] marketing of agricultural products as herein defined when such purchase and holding shall be in keeping with the purposes for which the association was formed

Section 3 That section seven of said act is hereby amended to read as follows

Section 7 Every common stockholder shall be entitled to one vote only and no vote by proxy shall be permitted Provided however That an association with more than five hundred stockholders may provide by its by-laws for voting by proxy Preferred stock shall be non-voting And provided further That corporations or associations organized under or accepting the provisions of this act or the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred sixty-six) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations not having a capital stock and not conducted for profit and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising beekeeping and horticulture" and its amendments owning common stock shall be entitled to vote such percentage of the number of votes as the number of shares owned by such corporation or association bears to the entire outstanding common stock of the association

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2085 (Senate Bill No. 560), entitled:

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens one to be known as the general judgment or lien index or docket and the other to be known as the in rem judgment or lien index or docket

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2099, as follows:

An Act to amend section one of article fourteen of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" by requiring the erection of wash houses under certain conditions at bituminous mines in this Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article fourteen of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" is hereby amended to read as follows

Section 1 [When the clothing or wearing apparel of the employes in any mine becomes wet by reason of working in wet places therein it shall be the duty of the operator or superintendent of said mine at the request in writing of the inspector who shall make such request upon the petition of any ten employes working in the aforesaid wet places to provide a suitable building convenient to the principal entrances of such mine for the use of the persons employed in wet places therein for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom The said building shall be maintained in good order and be properly lighted and heated and shall be provided with hot and cold water and facilities for persons to wash Any operator superintendent or inspector who shall neglect or fail to comply with the provisions of this article or any person who shall maliciously injure or destroy or cause to be injured or destroyed the said building or any part thereof or any of the appliances or fittings used therein or do any act tending to the injury or destruction thereof shall be deemed guilty of a misdemeanor] It shall be the duty of the owner operator or superintendent of every bituminous coal mine at the request in writing of thirty or more men employed in such mine to provide a suitable building which shall be convenient to the principal entrance of such mine for the use of the persons employed therein for th purpose of washing themselves and changing their clothes when entering and returning from said mine

The building shall be maintained in good order be properly lighted and heated and supplied with cold and warm water If any person or persons shall neglect or fail to comply with the provisions of this article or shall injure or destroy or cause to be injured or destroyed the said building or any part thereof or any of the appliances or fittings or do any act tending to the injury or destruction thereof he or they shall be deemed guilty of a misdemeanor

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2203, as follows:

An Act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred seventy-three) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" requiring dealers in securities to make reports of their financial condition

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred seventy-three) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" is hereby amended to read as follows

Section 15 The commission may at any time require a dealer to file with it a list of securities which within this State he has offered for sale or has advertised within the preceding six months or which he is at the time offering for sale or advertising or any portion thereof and thereupon if it shall appear that any of such offerings of the dealer have not been made honestly and in good faith but have been made with intent to deceive or defraud it may prohibit the dealer from selling or offering such securities as have been so sold or offered or from in any way advertising them within this State

Every dealer shall on the first days of April and October of each year file a report with the commission showing the financial condition of such dealer Such reports shall be in such form and show such details as the commission shall direct

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2668, entitled:

An Act to amend section two hundred three of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan association providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by making the moneys in the Banking Department Fund available for the reimbursement of the General Fund for certain services rendered or suplied by certain departments

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred three of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 203 Appropriations for Expenses of Department Receipts A All moneys collected or received by the department arising from fees assessments charges and penalties from the sale by the Department of Property and Supplies of unserviceable property originally paid for out of the Banking Department Fund and from similar sources are hereby specically appropriated to the Department of Banking to be used to pay its expenses including the following

(1) Salaries of the secretary the deputies the examiners the other employes of the department and such deputy attorneys general special deputy attorneys general assistant deputy attorneys general and other counsel as may be assigned by the Department fo Justice to the department or to the handling of any legal business pertaining to its work

(2) Rental and other expenses for offices rooms garage space and other accomodations outside of the Capitol Buildings either in or outside of the capital city occupied by the department

(3) Premiums for workmen's compensation insurance covering the officers and employes of the department

(4) Premiums for surety bonds for such officers or employes of the department as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the department for full-time use including premiums for liability insurance covering such motor vehicles and the department officers and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the Department of Banking

(6) Furniture stationery materials supplies and all other overhead expenses of the department

(7) For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Banking Department Fund and in auditing annually periodically or specially the affairs of the Department of Banking at such amounts as the Department of the Auditor General with the approval of the executive Board shall determine for payment to the Treasury Department of the cost of making disbursements out of the Banking Department Fund on behalf of the Department of Banking at such amounts as the Treasury Department with the approval of the Executive Board shall determine for payment to the Department of Property and Supplies for space occupied in the Capitol Buildings and for water light heat power telephone and other services utilized and consumed by the Department of Banking at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

B Estimates of the amounts to be expended under this act by the Department of Banking either itself or through the Department of Property and Supplies as purchasing agent shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Banking or by the Department of Property and Supplies as its agent in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Banking Department Fund at the time of the making of any such requisition

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ROBINSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2380, as follows:

An Act authorizing certain persons having charge of certain banking institution which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the officer body or committee in charge of the liquidation of any State bank bank and trust company or trust company following surrender of the liquidation thereof by the Secretary of Banking in the manner provided by law shall have power to borrow money from any agency or instrumentality of the United States Government except from National banks or of the Commonwealth of Pennsylvania and pledge to hypothecate as security therefor any real or personal property of the institution for the purpose of expediting the liquidation of the assets of such institution

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 775, as follows:

An Act Relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever manure is sold or delivered in this Commonwealth to be used in the growing of mushrooms such manure shall be only the natural product as the same is produced by horses in the stable without the intentional addition of water any other manure or any other foreign substance whatsoever For the purposes of this act manure shall be deemed to be adulterated if it contains any water intentionally or deliberately added or if any other manure or any other foreign substance is mixed therewith whether such added water manure or other substance is added thereto or becomes a part thereof by permitting such manure to stand in a manure pit or any other place where water or any other substance may flow or seep into it or otherwise become a part of it

Section 2 It is unlawful for any person copartnership association or corporation to sell or offer for sale or to deliver to any grower of mushrooms in this Commonwealth any manure that is adulterated as defined in this act

Section 3 It is unlawful for any person copartnership association or corporation in connection with any sale furnishing or delivery of manure to represent the same as being fit for growing mushrooms if such manure is adulterated within the meaning of this act

Section 4 Whenever any manure is or has been sold by weight and the price to be paid therefor is to be fixed by weighing the same at any point within this Commonwealth it is unlawful for any person copartnership association or corporation to deliver for weighing or to cause or permit to be weighed any manure to which has been added intentially any water any other manure or any other substance whatsoever which increases the weight of such manure

Section 5 It is unlawful for any person copartnership association or corporation to import or to bring into this Commonwealth any manure for the purpose of sale or delivery for use in growing mushrooms in this Commonwealth which manure is adulterated within the meaning of this act

Section 6 Any person copartnership association or corporation who or which by himself or itself or by his or its agents servants or employes violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars or in the case of an individual or the members of a partnership or the responsible officers of an association or corporation to undergo imprisonment not exceeding six months or both

Section 7 It shall be the duty of the Secretary of Agriculture to enforce the provisions of this act All fines and penalties collected under the provisions of this act shall be paid into the general fund in the State Treasury through the Department of Revenue

Section 8 The term "manure" as used in this act shall except where a different meaning is clearly intended mean only manure produced by horses

Section 9 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby de-

clared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 10 All acts and parts of acts inconsistent herewith are hereby repealed

Section 11 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eberharter,	Lynch,	Schrope,
Alexander,	Eroe,	Male,	Schwab,
Allen,	Falkenstein,	Mason,	Shaw,
Andrews,	Ferko,	McCreary,	Shepard,
Arnold,	Finnerty,	McDermott,	Shortz,
Atkins,	Fitch,	McElroy,	Shugarts,
Aukerman,	Flanagan,	McHenry,	Simpson,
Baine,	Flinchbaugh,	McKinney,	Sloan,
Baker, J J.,	Furman,	Melchiorre,	Smith, J. A.,
Baldi,	Gates,	Mentzer,	Smith, W. G.,
Barber,	Gerard,	Merrell,	Snyder, F. E.,
Barnhardt,	Gillette,	Moomaw,	Sowers,
Bernhard,	Habbyshaw,	Mooney,	Spangler,
Blumberg,	Haberlen,	Moore,	Stank,
Boose,	Hagerty,	Moran,	Stevens,
Boyd, R.,	Haluska,	Moul,	Stewart,
Boyer,	Hamilton, F. P.,	Muir,	Stockham,
Bradley,	Hamilton, R. S.,	Munley,	Sumney,
Brancato,	Harkins,	Nagel,	Surface,
Brennan,	Harmuth,	Nothnagle,	Terry,
Brown, H. S.,	Hart,	O'Keefe,	Tronzo,
Brown, J. E.,	Hefferon,	Ominsky,	Trout,
Brownfield,	Hermansen,	O'Neill,	Tumelty,
Brumbaugh,	Hindman,	Panton,	Van Allsburg,
Burke,	Hirsch,	Parks,	Van Sickle,
Cannon,	Hoffner,	Patterson, C.,	Walker,
Caputo,	Holland,	Patterson, J. W.,	Wall,
Carson,	Holstrom,	Perry,	Weidemann,
Chervenak,	Hoopes,	Peters,	Weiss,
Cochran,	Horst,	Pfaff,	Welliver,
Coleman,	Jackson,	Piole,	Welsh,
Condon,	Jones,	Powers,	Westrick,
Coolahan,	Kane,	Reising,	Wilson,
Cordier,	Kelder,	Reynolds,	Winner,
Davies,	Kelso,	Rhys,	Witkin,
Decker,	Kilroy,	Roan,	Wood,
Denning,	Kinney,	Robinson,	Woodside,
Dent,	Kobelak,	Ruffennach,	Yeakel,
Diehl,	LaRue,	Ruth,	Yourishin,
Dilley,	Linderman,	Sarraf,	Zappala,
Downey, G. E.,	Long,	Scanlon,	Zimmerman,
Downey, J. J.,	Longaker,	Schrock,	Sarig,
Duffort,	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 758, as follows:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers registrar of vital statistics and boards of school directors

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Personal Registration Act For Boroughs Towns and Townships"

Section 2 Definitions (a) The word "Commission" shall mean the county commissioners of any county acting as a registration commission for the boroughs towns and townships within such county

(b) "Commissioner" shall mean a county commissioner acting as a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidate either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any county although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person resident of a borough or township who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued resident in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth

(m) "Borough" shall include any incorporated town

(n) "Public office" shall mean and include any national state judical county city borough township school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioners of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 County Commissioners to Act as Registration Commission For Boroughs and Townships (a) The county commissioners of each county containing one or more boroughs or townships shall act as a registration commission in and for such county which commission shall have jurisdiction over the registration of electors in the boroughs and townships of such county under the provisions of this act

(b) The commissioners shall receive no compensation in addition to their compensation as county commissioners

(c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(d) Each commission shall keep a record in permanent form of its proceedings

Section 4 Powers of Commission (a) The commission of any county may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may

enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission of any county and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Registrars Inspectors of Registration and Other Employe Powers and Duties (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include registrars who shall be empowered to register the qualified electors of the boroughs and townships in such counties and in so doing to administer oaths and affirmations and inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county An election officer may be appointed as a registrar or inspector of registration but no other person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county in counties where a salary board exists and in other counties by the commission

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission shall appoint a chief clerk who may be the chief clerk of the county commissioners who shall have authority to administer oaths and to sign vouchers and who shall receive no extra compensation for such duties

(f) In the case of each borough and township in the county other than the county seat the commission shall appoint the clerk or secretary or other suitable official or any other qualified citizen of such borough or township as a registrar and designate his office as a branch office where persons who claim that they are entitled to be registered as electors of such borough or township may make personal application for such registration during ordinary business hours on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary Such registrars shall receive compensation only on the basis of the number of applications for registration actually received by them and transmitted to the commission

(g) Any inspector of registration on complaint of any person known to him may and when directed by the commission of his county shall

(1) Investigate all questions relating to the registration of electors of the boroughs and townships in such county and for that purpose shall have power to enter and inspect any house dwelling building inn lodginghouse or hotel within such governmental units and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or threin regarding any person or persons residing or claiming to reside thereat or so doing except his certificate of appointment aforesaid

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such boroughs or townships

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such county of the boroughs and townships therein to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest as aforesaid

Section 6 Counsel The County solicitor shall be counsel for the Commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carry out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by County Commissioners The county commissioners or other appropriating authorities of the county shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission of such county and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for printing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners and other appropriating authorities of the county shall provide the commission thereof with suitable and adequate offices at the county seat properly furnished for keeping its records holding its public sessions and otherwise performing its duties

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission of any county by order of such commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any

compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to Be Open to Public Inspection The records of each commission and all district registers street lists of voters affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto provided that such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulations for safe-keeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors and the commission shall appoint all such persons as watchers and provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person and the registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment and provided that not more than one watcher for each party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sections of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the county or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may present at any one time may be limited by the commission to not less than three for each party or body of electors

Section 15 Candidates May be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Time and Places of Registration Public Notice (a) From and after the first day of June one thousand nine hundred and thirty-five each commission or commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission and at such additional places in the boroughs and townships as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors thereof and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the seventh day of September anything in this section to the contrary notwithstanding and Provided further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have a registrar present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district in the boroughs and townships of such county on at least three separate days prior to September eighth (one of them being in August and another in September) and one day in the period beginning September twenty-third and ending October fifth

(b) The county commissioners of each county shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of school directors of each school district shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration provided that such use shall not interfere with instruction for the conduct of which such board of school director shall be responsible

(d) The proper borough or township authorities shall furnish a room or rooms in any borough or township hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration provided that such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least one placard or notice thereof in a conspicuous place in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 17 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the boroughs and townships of each county the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of nineteen

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards in each county

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 18 Manner of Registration (a) Every person in boroughs and townships claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar acting for the borough town or township in which he resides at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence if any or other designation of location (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance at the ensuing election and if so his declaration of that fact and his statement of the exact nature of such disability (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the borough township ward and election district in which the elector resides and to which he may from time to time remove together with his address in each such district and the other data required to be given upon such removal (21) the date of each election and primary at which the elector votes and (22) the signature or initials of the election officers who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit when filed by borough or township the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar shall require him to present the affidavits subscribed in person before a registrar or commissioner of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Who May Register Who May Vote Electors Need Register Only Once Exception Every person living in a borough or township who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided and from and after the seventh day of September one thousand nine hundred and thirty-five no such person shall be permitted to vote at any election or primary held in this Commonwealth unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of four years as hereinafter provided

Section 20 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the election district Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district and shall produce such other evidence as may be required to satisfy the registrar or commissioner as to his qualifications as an elector If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the county Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being

counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 21 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All Persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certified copy thereof before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit that his father was naturalized at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage to a citizen prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 22 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number or other designation of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 23 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or equalified elector of the county may appear and show cause why the petitioner should not be registered

Section 24 General Register The duplicate registration affidavits shall be placed in exact alphabetical order for each entire borough and township under the jurisdiction of the commission and indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such borough or township and shall not be removed from the office of the commission except upon order of the court of common pleas of the county wherein such borough or township is located

Section 25 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed and the affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open at all times subject to reasonable safeguards rules and regulations to public inspection

Section 26 Removal Notices The Commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number or other designation of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number or other designation of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 27 Transfer of Registration (a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence and if the removal shall have been from one borough or township to another in the same county shall transfer the duplicate registration affidavit to the proper general register

(b) Provided That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advice the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After to Have Fact Recorded (a) at any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar of commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers

In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the fifth day preceding any primary any qualified elector of the count including any watcher may petition the commission to cancel the party enrollment of any registered elector of such county who has previously enrolled as a member of a party for the pjurpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the said petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or prepare the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make written application under oath to the commission or a registrar to have such fact entered on his registration affidavit together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance no longer suffers from the disability stated by him or has voted without assistance it shall forthwith cancel on his registration affidavit the entry relating to physical disability which authorized him to have assistance

Section 29 Reports of Deaths from Registrars of Vital Statistics (a) The registrar of vital statistics of every borough and township shall report in writing at least monthly to the registration commission the deaths of residents of such governmental until except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commission in such county and prove his identity and the commission thereupon shall correct its records accordingly

Section 30 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission in such county and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each year the commission shall send such notices by mail to each elector registered under the provisions of this act in the county

(b) Upon the return by the Post Office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proved his qualifications as an elector

Section 31 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs or townships of the county by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall indicate on a copy or copies of the most recent street list or other record available the anme and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the branch office of the commission in such borough or township on or before a date and hour which the notice shall appoint and which shall be not later than the fifth day preceding the election of primary next ensuing and satisfy the commission or a registrar of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration The shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affilations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 32 Comparison and Correction of Registers (a) Not later than thirty days prior to each election or primary the commission shall compare and correct the general and district registers

Section 33 Street Lists Posting Distribution Not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district in boroughs and townships a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets or roads and house numbers if any The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission and at the branch office in each borough and township convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Petitions to Strike Off Names At any time not later than the fifth day preceding any election or primary any qualified elector of the borough or township and any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such borough or township setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least forty-eight hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person

so registered shall appear and show cause why the same should not be done

Section 35 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceeding an election or primary the commission shall deliver to the county commissioners of the propery county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election. The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 36 Who May Vote at Elections and Primaries Voters Certificate to be signed Challenges Ballot Check List and Voting Check List Use of at Polls (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certicate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

d Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot accordingly to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases and any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his contined residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district

(f) The county commissioners shall cause to be printed for each election district a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

"I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

.....Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines) .....

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder, to be furnished by the county commissioners. After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved, or, in the case of an elector who is unable to write, the notations hereinabove required have been made thereon, one of the election officers who made the comparison shall sign his name or initials thereon, and, if the elector's signature is not readily legible, shall print such elector's name over his signature. After the elector has been admitted to vote, the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder. One such file or binder shall be furnished for each election district for each primary and election, and shall have printed or written thereon the words "Voting Check List" and the name of the district and date of the primary or election. The voter's certificates, so bound, shall constitute the voting check list of the district. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list."

(g) The district register hereby provided for shall be used at each election and primary by the election officers in the place of the ballot check-list heretofore required by law

As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting as marked on the voting check list and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The said voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the commission by the judge of election before noon on the day following the election or primary

Section 37 Entry of Information in General Registers

Following Election and Primaries Comparison of Signatures (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates has voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indicaton of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

Section 38 Cancellation of Registration Upon Failure to Vote Within Four Years Request For Reinstatement Within three months after the general election held in the year one thousand nine hundred and thirty-eight and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately pereceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of four years and that his resignation will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided Provided That the cancellation of the registration of any such elector for failure to vote within a period of four years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 39 Cancellation of Registration Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 40 Appeals to Court (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any county whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusal to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Provided That such appellant shall pay the prothonotary a fee of three dollars for filing such appeal and thereupon any judge of the said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court and proof of notice or the waiver thereof must be filed therein

(b) Any judge of said court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary and at the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the said court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The said court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 41 Production of Documents et cetera At Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 42 Subpoenas and Witness Fees (a) Any person filing any petition of any kind aforesaid with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners or other appropriating authority of the county in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas and the commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission and no such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it be issued shall have deposited with the said commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person aforesaid among those witnesses who have appeared in response to subpoenas issued as aforesaid and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission as aforesaid taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas and the accounts of such commission respecting disbursements of witness fees

out of appropriations made to such commission by the county commissioners or other appropriating authority of the county shall be subject to audit from time to time by the county controller or auditors

Section 43 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or refuses to obey its subpoena duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars and to undergo an imprisonament of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform his said duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to a fine not exceeding five hundred dollars ($500)

Section 44 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided therein this act shall be in force and take effect immediately upon approval by Governor

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 45 Repeal of Prior Law Proviso (a) The following acts of Assembly and parts of acts and any amendments and supplements thereto hereby repealed absolutely

(1) Section fifty-nine of an act entitled "An act relating to the elections of this Commonwealth" approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred nineteen)

(2) Sections one two three ten and eighteen of an act approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled "A further supplement to the act regulating elections in this Commonwealth"

(3) Section one of an act entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" approved February thirteenth one thousand eight hundred and seventy-four (Pamphlet Laws forty-four)

(4) An act entitled "An act to amend sections one two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four)

(5) An act entitled "An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides" approved June sixteenth one thousand

eight hundred and ninety-one (Pamphlet Laws two hundred ninety-eight)

(6) An act entitled "An act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of May twenty-ninth one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four) fixing the place at which the assessors shall sit to perform the duties imposed upon them by the second section of the said supplement of May twenty-ninth one thousand eight hundred and ninety-one in all voting districts or precincts in this Commonwealth where temporary voting places are or may be established" approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-five)

(7) An act entitled "An act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred and thirty-four) changing the time and manner of making the registry of voters and the duties of registry assessors" approved the sixteenth day of May one thousand eight hundred and ninety-five (Pamphlet Laws seventy-five)

(8) Sections three four five six seven and eight of an act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket" approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

(9) An act entitled "An act fixing the compensation of election assessors in boroughs and townships at primary elections" approved June second one thousand nine hundred and fifteen (Pamphlet Laws seven hundred twenty-four)

(10) An act entitled "An act to amend section one of an act approved the sixteenth day of June one thousand eight hundred ninety-one entitled 'An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for violation resides'" approved April twentieth one thousand nine hundred and seventeen (Pamphlet Laws eighty-seven)

(11) An act entitled "An act regulating the registration and enrollment of voters in boroughs and townships before the primary election" approved the eleventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two)

(12) An act entitled "An act to amend sections four and seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three) entitled 'An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket' eliminating one of the date required of the assessors and registry assessors sitting at the polling places" approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-five)

(13) An act entitled "An act fixing the compensation of assessors and registry or assistant assesors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" approved twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten)

(14) Section one two three four and six of the act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred thirty-four)

(b) The following acts of Assembly and parts of acts are hereby repealed insofar as they relate to assessors who perform duties relative to elections in boroughs towns or townships or to the assessment or registration of voters therein.

(1) Sections fifteen and nineteen of an act entitled "A further supplement to the act regulating elections in this Commonwealth" approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one)

(2) Sections five and seven of an act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred and thirty-three eliminating the taxpaying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(c) All acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

On the question.

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. WEISS. Mr. Speaker, I move that the vote by which this bill passed on third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 5, page 5, lines 16 and 17, by striking out the words "Other Employe" and inserting in lieu thereof the word: "Employes"

Amend Sec. 5, page 5, lines 24 and 25, by striking out the words "The employes to be appointed by the commission shall include" and inserting in lieu thereof the following: "As soon as possible after the approval of this act, the commission shall appoint as many registrars and inspectors of registration as it may deem necessary to carry out the provisions of this act until the municipal election in November of the year one thousand nine hundred and thirty-five. At such election and at every municipal election thereafter, the electors of each election district affected by the provisions of this act shall elect one qualified elector of such district as registrar, and the electors of each borough, town and township affected by this

act shall elect one qualified elector thereof as inspector of registration. Such persons shall hold office for a period of two years. In case of a vacancy in such office, the commission shall appoint a properly qualified person to fill such office for the unexpired term. Such"

Amend Sec. 5, page 5, line 25, by striking out the word "who"

Amend Sec. 5, page 5, line 26, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 5, page 5, line 28, by inserting after the word "and" the word: "such"

Amend Sec. 5, page 5, line 28, by striking out the word "who"

Amend Sec. 5, page 6, lines 3, 4, 5 and 6, by striking out the words "Registrars and inspectors of registration shall be" in line 3, all of lines 4 and 5, and the words "no other" in line 6, and inserting in lieu thereof the word: "No"

Amend Sec. 5, page 6, line 7, by inserting after the word "be" the following: "elected a registrar or inspector of registration or"

Amend Sec. 5, page 6, line 18, by striking out the word "commission" and inserting in lieu thereof the following: "county commissioners"

Amend Sec. 5, page 6, line 19, by striking out the word "appointment" and inserting in lieu thereof the word: "election"

Amend Sec. 5, page 6, line 20, by striking out the word "appointment" and inserting in lieu thereof the word: "election"

Amend Sec. 5, page 6, line 21, by striking out the word "appointed" and inserting in lieu thereof the word: "elected"

Amend Sec. 5, page 6, lines 26, 27, 28 and 29, by striking out all of said lines.

Amend Sec. 5, page 7, lines 1 to 12, by striking out all of said lines.

Amend Sec. 5, page 7, line 13, by striking out the letter "(g)" and inserting in lieu thereof the letter: "(f)"

Amend Sec. 5, page 7, line 17, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 5, page 7, line 29, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 5, page 8, line 7, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 16, page 13, line 3, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 16, page 13, line 16, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 16, page 14, line 9, by inserting after the word "borough" the word: "town"

Amend Sec. 16, page 14, line 10, by inserting after the word "borough" the word: "town"

Amend Sec. 17, page 14, line 29, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 18, page 16, line 20, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 18, page 18, line 9, by inserting after the word "borough" the word: "town"

Amend Sec. 8, page 18, line 21, by inserting after the word "borough" the word: "town"

Amend Sec. 19, page 19, line 17, by inserting after the word "borough" the word: "town"

Amend Sec. 24, page 23, line 25, by inserting after the word "borough" the word: "town"

Amend Sec. 24, page 23, line 29, by inserting after the word "borough" the word: "town"

Amend Sec. 24, page 24, line 3, by inserting after the word "borough" the word: "town"

Amend Sec. 27, page 25, line 25, by inserting after the word "borough" the word: "town"

Amend Sec. 29, page 28, line 21, by inserting after the word "borough" the word: "town"

Amend Sec. 31, page 30, line 7, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 33, page 31, line 23, by inserting after the word "boroughs" the word: "towns"

Amend Sec. 34, page 32, line 7, by inserting after the word "borough" the word: "town"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2134, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring pwers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eberharter,	Lovett,	Schrock,
Alexander,	Eroe,	Lynch,	Schrope,
Allen,	Falkenstein,	Male,	Schwab,
Andrews,	Ferko,	Mason,	Shaw,
Arnold,	Finnerty,	McCreary,	Shortz,
Atkins,	Fitch,	McDermott,	Shugarts,
Aukerman,	Flanagan,	McElroy,	Simpson,
Baine,	Flinchbaugh,	McHenry,	Sloan,
Baker, J J.,	Furman,	McKinney,	Smith, J. A.,
Baldi,	Gates,	Melchiorre,	Smith, W. G.,
Barnhardt,	Gerard,	Mentzer,	Snyder, F. E.,
Bernhard,	Gillette,	Merrell,	Sowers,
Blumberg,	Habbyshaw,	Moomaw,	Spangler,
Boose,	Haberlen,	Mooney,	Stank,
Boyd, R.,	Hagerty,	Moore,	Stevens,
Boyer,	Haluska,	Moran,	Stewart,
Bradley,	Hamilton, F. P.,	Moul,	Stockham,
Brancato,	Hamilton, R. S.,	Muir,	Sumney,
Brennan,	Harkins,	Munley,	Surface,
Brown, H. S.,	Harmuth,	Nagel,	Terry,
Brown, J. E.,	Hart,	Nothnagle,	Tronzo,
Brownfield,	Hefferon,	O'Keefe,	Trout,
Brumbaugh,	Hermansen,	Ominsky,	Tumelty,
Burke,	Hindman,	O'Neill,	Van Allsburg,
Cannon,	Hirsch,	Panton,	Van Sickle,
Caputo,	Hoffner,	Parks,	Walker,
Carson,	Holland,	Patterson, C.,	Wall,
Chervenak,	Holstrom,	Patterson, J. W.,	Weidemann,
Cochran,	Hoopes,	Perry,	Weiss,

Coleman,	Horst,	Peters,	Welliver,
Condon,	Jackson,	Pfaff,	Welsh,
Coolahan,	Jones,	Piole,	Westrick,
Cordier,	Kane,	Powers,	Wilson,
Davies,	Kelder,	Reising,	Winner,
Decker,	Kelso,	Reynolds,	Witkin,
Denning,	Kilroy,	Rhys,	Wood,
Dent,	Kinney,	Roan,	Woodside,
Diehl,	Kobelak,	Robinson,	Yeakel,
Dilley,	LaRue,	Ruffennach,	Yourishin,
Downey, G. E.,	Linderman,	Ruth,	Zappala,
Downey, J. J.,	Long,	Sarraf,	Zimmerman,
Duffort,	Longaker,	Scanlon,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1907, entitled:

An Act to further amend section eleven of the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by eliminating the provision making the fund available for payment to the Treasury Department of the cost of making disbursements out of the fund.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eroe,	Lynch,	Schrope,
Alexander,	Falkenstein,	Male,	Schwab,
Allen,	Ferko,	Mason,	Shaw,
Andrews,	Finnerty,	McCreary,	Shepard,
Arnold,	Fitch,	McDermott,	Shortz,
Atkins,	Flanagan,	McElroy,	Shugarts,
Aukerman,	Flinchbaugh,	McHenry,	Simpson,
Baine,	Furman,	McKinney,	Sloan,
Baker, J. J.,	Gates,	Melchiorre,	Smith, J. A.,
Baldi,	Gerard,	Mentzer,	Smith, W. G.
Barnhardt,	Gillette,	Merrell,	Snyder, F. E.,
Bernhard,	Habbyshaw,	Moomaw,	Sowers,
Blumberg,	Haberlen,	Mooney,	Spangler,
Boose,	Hagerty,	Moore,	Stank,
Boyd, R.,	Haluska,	Moran,	Stevens,
Boyer,	Hamilton, F. P.,	Moul,	Stewart,
Bradley,	Hamilton, R. S.,	Muir,	Stockham,
Brancato,	Harkins,	Munley,	Sumney,
Brennan,	Harmuth,	Nagel,	Surface,
Brown, H. S.,	Hart,	Nothnagle,	Terry,
Brown, J. E.,	Hefferon,	O'Keefe,	Tronzo,
Brownfield,	Hermansen,	Ominsky,	Trout,
Brumbaugh,	Hindman,	O'Neill,	Tumelty,
Burke,	Hirsch,	Panton,	Van Allsburg,
Cannon,	Hoffner,	Parks,	Van Sickle,
Caputo,	Holland,	Patterson, C.,	Walker,
Carson,	Holstrom,	Patterson, J. W.,	Wall,
Chervenak,	Hoopes,	Perry,	Weidemann,
Cochran,	Horst,	Peters,	Weiss,
Coleman,	Jackson,	Pfaff,	Welliver,
Condon,	Jones,	Piole,	Welsh,
Coolahan,	Kane,	Powers,	Westrick,
Cordier,	Kelder,	Reising,	Wilson,
Davies,	Kelso,	Reynolds,	Winner,
Decker,	Kilroy,	Rhys,	Witkin,
Denning,	Kinney,	Roan,	Wood,
Dent,	Kobelak,	Robinson,	Woodside,
Diehl,	LaRue,	Ruffennach,	Yeakel,
Dilley,	Linderman,	Ruth,	Yourishin,
Downey, G. E.,	Long,	Sarraf,	Zappala,
Downey, J. J.,	Longaker,	Scanlon,	Zimmerman,
Duffort,	Lovett,	Schrock,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2225, as follows:

An act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections seven hundred and fifteen and eight hundred and seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" are hereby amended to read as follows

Section 715 Appointment of Auditor Whenever proceedings shall be [commenced] had for the purpose of changing the limits of any borough as provided in article four sections four hundred one to four hundred twenty-seven inclusive or in the case of the division of boroughs as provided in article two (d) of this act [and the same shall have been approved by the grand jury to which the application shall have been submitted in all cases where such approval is required the court before entering a decree confirming the same shall appoint an auditor] the court of quarter sessions upon application of any borough township or taxpayer having an interest shall appoint an auditor to adjust the indebtedness and liabilities between the boroughs or boroughs and townships affected as hereinafter provided

Section 807 Officers to be Elected It shall be lawful for the electors of the borough to elect

(a) In boroughs not divided into wards seven councilmen a burgess a high constable an assessor except in those boroughs where the assessment of property for county purposes under existing laws is made by a county board of assessors or by appointed assessors a tax collector and three auditors or a controller [except in those boroughs where the assessment of property for county purposes under existing laws is made by a county board of assessors or by appointed assessors]

(b) In boroughs divided into wards at least one and not more than three councilmen in each ward to be residents of the ward from which they are elected and chosen by the electors of the ward an assessor in each ward except in those boroughs where the assessment of property for county purposes under existing laws is made by a county board of assessors or by appointed assessors to be chosen by the electors of the ward also a burgess a high constable a tax collector and three auditors or a controller who shall be chosen by the electors of the boroughs at large

Section 2 Article nine of said act is hereby amended by adding thereto after section nine hundred and three two new sections to read as follows

Section 904 Right of Council to Declare Seat of Councilmen Vacant for Failure to Qualify If any person elected or appointed as member of council who has been notified of his election or appointment shall refuse or neglect to qualify as such member of council within ten days next succeeding the beginning of his term of office the remain-

ing members of the borough council may declare his office as member of council vacant

Section 905 Right of Council to Declare Seat of Councilmen Vacant for Failure to Attend Meetings If any person having qualified as member of council shall neglect or refuse to attend two successive regular meetings unless detained by sickness or prevented by necessary absence from the borough or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a member of council the remaining members of the borough council may declare his office as member of council vacant

Section 3 Article eleven of said act is hereby amended by adding thereto after section one thousand one hundred and ten a new section to read as follows

Section 1111 Records Open to Inspection The minute book and other records and documents of every borough shall be open to the inspection of any taxpaper thereof his her or its agent demand therefor

Section 4 Sections one thousand and six and one thousand and thirty-five of said act as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred eighteen) are hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointment of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment of power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employes insolvency of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough Such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To employ certified public accountants by a two-thirds vote of the entire number of councilmen elected

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and of any person committee and commission receiving or expending municipal funds and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof the valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation which shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

Section 5 Section one thousand and forty-five of said act is hereby amended to read as follows

Section 1045 Balances Due to be Entered as Judgments Any balance in any report of the auditors against any officer of the borough shall constitute a surcharge against such officer as fully as if expressly stated in said report to be a surcharge and the amount of any balance and of any express surcharge shall be entered by the prothonotary as a judgment against such officer and in favor of the borough The clerk of the court of quarter sessions shall certify the amount of every balance or surcharge contained in any such report to the court of common pleas for entry thereof by the prothontary as a judgment Any taxpayer of the borough may enforce the collection thereof for the benefit of the borough by action or execution upon filing in the court of common pleas a bond with one or more sureties conditioned to indemnify the borough from all costs which may accrue in the proceedings undertaken by such taxpayer subject however to all rights of appeal from the report of auditors granted by this act If any person or persons have been or shall be surcharged for an illegal purchase and no fraud or collusion is shown and the surcharge is paid to the borough then the article purchased shall become the property of the person or persons surcharged

Section 6 Section one thousand and forty-seven of said act as amended by section two of the act approved the eighth day of May one thousand nine hundred and twen-

ty-nine (Pamphlet Laws one thousand six hundred thirty-five) is hereby further amended to read as follows

Section 1047 Compensation of Auditors Each auditor shall receive five dollars per day for each day necessarily employed in the discharge of his duties to be paid by the borough A day shall consist of not less than five hours in the aggregate

Section 7 Clauses forty-five and forty-six of section one thousand two hundred and two of said act are hereby amended to read as follows

XLV Rooms for Veterans' Posts and Camps Upon application therefor to furnish to each organization composed of veterans of the Civil War veterans of the Spanish-American War veterans of the War with Germany and Austria veterans of any foreign war and sons of veterans a room or rooms in any public building of such [county city or] borough sufficient for the meeting of each of such organizations at least once each month and in the case of municipality owned utilities to furnish service without charge to such rooms and also to buildings occupied by posts camps or veterans of any war in which the United States was engaged

XLVI Care and Erection of Memorials To take charge of care for maintain and keep in good order and repair at the expense of the borough any soldier's monument gun or carriage or similar memorial situate in the borough and not in the charge or care of any person body or organization and not put up or placed by the Government of the United States the Commonwealth of Pennsylvania the commissioners of the county or by the director or authority of any other State of the Union and to receive from any person or organization any moneys or funds which can be used for the maintenance of such memorials and to expend the same and to erect and provide for the erection of memorials in honor of those who served in any war in which the United States was engaged at a cost not to exceed one thousand dollars ($1,000) and thereafter properly and adequately maintain the same

Section 8 Section one thousand two hundred and two of said act is hereby amended by adding thereto a new clause to read as follows

LX To enter into contracts with the proper authorities of near or adjacent cities boroughs or townships either for mutual aid or assistance in fire protection or for the furnishing to or receiving from such cities boroughs or townships aid and assistance in fire protection and to make appropriations therefor Provided That in connection with such contracts it shall not be necessary to advertise for bids or receive bonds as required for other contracts under existing law.

Section 9 Section one thousand three hundred and eleven of said act is hereby amended to read as follows

Section 1311 Exonerations The council of the borough shall at all times make abatements or exonerations for mistakes indigent persons unseated lands et cetera as to it shall appear just and reasonable The secretary of the borough shall enter in a book to be kept for that purpose the names of all persons abated or exonerated together with the reason why the amount of the tax and the date when made and give to the collector a certificate directed to the treasurer stating the nature of the tax and the amount exonerated in order to make settlement accordingly When a tax collector has been exonerated for the collection of certain taxes such action by the borough council shall not in any way have the effect of discharging or limiting the liability of the taxable but all methods of enforcing collection of taxes shall continue as though no exoneration had been made

Section 10 Article thirteen of said act is hereby amended by adding thereto after section one thousand three hundred and twelve a new section to read as follows

Section 1313 Collection of Occupation Tax from Employer In case any resident or inhabitant of any borough in this Commonwealth neglects or refuses to pay his or her occupation tax as herein provided after having received ten days' notice or demand so to do the collector of such borough taxes shall notify any firm association or corporation where such delinquent taxpayer is employed that such taxpayer has failed or neglected to pay his or her occupation tax as required and such collectors of borough taxes may thereupon request the payment of such occupation tax by such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person firm association or corporation employing any such delinquent taxpayer may deduct from any wages that are then or may thereafter become due and owing to him the amount of such delinquent occupation tax and pay the same over to such collector of borough taxes and the proper receipt for such taxes paid to the tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

Section 11 Sections two thousand one hundred and twenty and three thousand two hundred and one of said act are hereby amended to read as follows

Section 2120 [Agreements for] Building Joint Sewers (a) Boroughs may [enter into agreements] jointly with other municipalities or townships or both [for the purpose of building] build and construct sewers including trunk line sewers or drains and sewage treatment works [Such agreement shall provide for the joint maintenance of the same] and may connect into such system existing sewers and may assess their respective portions of the cost thereof or so much thereof as may be legally assessable upon property benefited by the improvement either by viewers as is provided in the case of boroughs by section two thousand one hundred and two of this act or by the foot-front rule as provided in sections two thousand one hundred and eight and two thousand one hundred and nine of this act Any portion of the cost of such improvement not assessed or not assessable shall be paid by the respective cities boroughs and townships joining as may be agreed upon

(b) The boroughs cities and townships joining or contemplating joining in any such improvement in order to facilitate the building of the same and securing preliminary surveys and estimates may by ordinance or resolution provide for the appointment of a joint sewer board composed of one representative from each of the boroughs cities and townships joining which shall act generally as the advisory and administrative agency in the construction of such improvement and its subsequent operation and maintenance The members of such board shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed The joint sewer board shall organize by the election of a chairman vice-chairman secretary and treasurer The several boroughs cities and townships may in the ordinances and resolutions creating the joint sewer board authorize the board to appoint an engineer a solicitor and such other assistants as are deemed necessary and agree to the share of the compensation of such persons each borough city and township is to pay The members of the joint sewer board shall receive no compensation but shall be entitled to actual expenses to be paid by the respective boroughs cities and townships which such members represent

(c) The joint sewer board shall have power to adopt rules and regulations to govern its proceedings and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion and the future development of the system so as to confirm to a general plan assured and safeguarded It shall have power to prepare a joint agreement or agreements for submission to and adopted by the several boroughs cities and townships defining the advisory and administrative powers of the board setting forth the consents of the several boroughs cities and townships to the proposed improvement the manner in which preliminary and final plans specifications and estimates for the proposed improvement shall be prepared and adopted how proposals for bids shall be advertised and contracts let the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith and the future cost of operation and maintenance shall be equitably shared apportioned and paid and all such other matters including the preparation and submission of annual and other budgets as may be deemed necessary or required by law to carry the proposed improvement to completion and to assure future

maintenance and operation thereof But nothing herein contained shall authorize the board to make any improvement or expend any public moneys which has not first been authorized by all of the boroughs cities and townships proceeding with the improvement

(d) In any case where it shall be necessary to acquire appropriate injure or destroy private property lands property or material to build any such joint sewer improvement and the same cannot be acquired by purchase or gift the right of eminent domain shall vest in the borough city or township where such property is located In any case where it shall be necessary to acquire injure or destroy property in any territory not within the limits of any of the boroughs cities or townships joining in the improvement then the right of eminent domain shall be vested in any borough city or township adjacent to such territory where such property is located Damages for any property taken injured or destroyed shall be assessed as provided by the general laws relating to the boroughs cities and townships exercising the right of eminent domain and shall be paid by the several boroughs cities and townships joining in the same proportion as other costs of the improvement

(e) Each of the boroughs joining in any such improvement shall have power to incur or increase its indebtedness not exceeding the constitutional limits for the purpose of paying its share or portion of the cost of such improvement in the manner now provided by law for the incurring of indebtedness

Section 3201 Collection of Municipal Claims Boroughs may proceed for the recovery of municipal claims and taxes by lien or by action of assumpsit and jurisdiction is conferred upon justices of the peace to entertain such actions of assumpsit to the amount of three hundred dollars In all proceedings for the recovery of municipal claims an attorney's commission of five per centum may be included not to exceed twenty dollars

Section 12 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eberharter,	Lovett,	Schrock,
Alexander,	Eroe,	Lynch,	Schrope,
Allen,	Falkenstein,	Male,	Schwab,
Andrews,	Ferko,	Mason,	Shaw,
Arnold,	Finnerty,	McCreary,	Shortz,
Atkins,	Fitch,	McDermott,	Shugarts,
Aukerman,	Flanagan,	McElroy,	Simpson
Baine,	Flinchbaugh,	McHenry,	Sloan,
Baker, J J.,	Furman,	McKinney,	Smith, J. A.,
Baldi,	Gates,	Melchiorre,	Smith, W. G.,
Barnhardt,	Gerard,	Mentzer,	Snyder, F. E.,
Bernhard,	Gillette	Merrell,	Sowers,
Blumberg,	Habbyshaw,	Moomaw,	Spangler,
Boose,	Haberlen,	Mooney,	Stank,
Boyd, R.,	Hagerty,	Moore,	Stevens,
Boyer,	Haluska,	Moran,	Stewart,
Bradley,	Hamilton, F. P.,	Moul,	Stockham,
Brancato,	Hamilton, R. S.,	Muir,	Sumney,
Brennan,	Harkins,	Munley,	Surface,
Brown, H. S.,	Harmuth,	Nagel,	Terry,
Brown, J. E.,	Hart,	Nothnagle	Tronzo,
Brownfield,	Hefferon,	O'Keefe,	Trout,
Brumbaugh,	Hermansen,	Ominsky,	Tumelty,
Burke,	Hindman,	O'Neill,	Van Allsburg,
Cannon,	Hirsch,	Panton,	Van Sickle,
Caputo,	Hoffner,	Parks,	Walker,
Carson,	Holland,	Patterson, C.,	Wall,
Chervenak,	Holstrom,	Patterson, J. W.,	Weidemann,
Cochran,	Hoopes,	Perry,	Weiss,
Coleman,	Horst,	Peters,	Welliver,
Condon,	Jackson,	Pfaff,	Welsh,
Coolahan,	Jones,	Piole,	Westrick,
Cordier,	Kane,	Powers,	Wilson,
Davies,	Kelder,	Reising,	Winner,
Decker,	Kelso,	Reynolds,	Witkin,
Denning,	Kilroy,	Rhys,	Wood,
Dent,	Kinney,	Roan,	Woodside,
Diehl,	Kobelak,	Robinson,	Yeakel,
Dilley,	LaRue,	Ruffennach,	Yourishin,
Downey, G. E.,	Linderman,	Ruth,	Zappala,
Downey, J. J.,	Long,	Sarraf,	Zimmerman,
Duffort,	Longaker,	Scanlon,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1628, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Duffort,	Lovett,	Schrope,
Alexander,	Eberharter,	Lynch,	Schwab,
Allen,	Eroe,	Male,	Shaw,
Andrews,	Falkenstein,	Mason,	Shepard,
Arnold,	Ferko,	McCreary,	Shortz,
Atkins,	Finnerty,	McDermott	Shugarts,
Aukerman,	Fitch,	McElroy,	Simpson,
Baine,	Flanagan,	McHenry,	Sloan,
Baker, J J.,	Flinchbaugh,	McKinney,	Smith, J. A.,
Baldi,	Furman,	Melchiorre	Smith, W. G.,
Barber,	Gates,	Mentzer,	Snyder, F. E.,
Barnhardt,	Gerard,	Merrell,	Sowers,
Bernhard,	Gillette,	Moomaw,	Spangler,
Blumberg,	Habbyshaw,	Mooney,	Stank,
Boose,	Haberlen,	Moore,	Stevens,
Boyd, R.,	Hagerty,	Moran,	Stewart,
Boyer,	Haluska,	Moul,	Stockham,
Bradley,	Hamilton, F. P.,	Muir,	Sumney,
Brancato,	Hamilton, R. S.,	Munley,	Surface,
Brennan,	Harkins,	Nagel,	Terry,
Brown, H. S.,	Harmuth,	Nothnagle	Tronzo,
Brown, J. E.,	Hart,	O'Keefe,	Trout,
Brownfield,	Hefferon,	Ominsky,	Tumelty,
Brumbaugh,	Hermansen,	O'Neill,	Van Allsburg,
Burke,	Hindman,	Panton,	Van Sickle,
Cannon,	Hirsch,	Parks,	Walker,
Caputo,	Hoffner,	Patterson, C.,	Wall,
Carson,	Holland,	Patterson, J. W.,	Weidemann,
Castor,	Holstrom,	Perry,	Weiss,
Chervenak,	Hoopes,	Peters,	Welliver,
Cochran,	Horst,	Pfaff,	Welsh,
Coleman,	Jackson,	Piole,	Westrick,
Condon,	Jones,	Powers,	Wilson,
Coolahan,	Kane,	Reising,	Winner,
Cordier,	Kelder,	Reynolds,	Witkin,
Davies,	Kelso,	Rhys,	Wood,
Decker,	Kilroy,	Roan,	Woodside,
Denning,	Kinney,	Robinson,	Yeakel,
Dent,	Kobelak,	Ruffennach,	Yourishin,
Diehl,	LaRue,	Ruth,	Zappala,
Dilley,	Linderman,	Sarraf,	Zimmerman,
Downey, G. E.,	Long,	Scanlon,	Sarig,
Downey, J. J.,	Longaker,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2097, entitled:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal closing-out sale of goods damaged by fire smoke or water and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eberharter,	Lynch,	Schrope,
Alexander,	Eroe,	Male,	Schwab,
Allen,	Falkenstein,	Mason,	Shaw,
Andrews,	Ferko,	McCreary,	Shepard,
Arnold,	Finnerty,	McDermott,	Shortz,
Atkins,	Fitch,	McElroy,	Shugarts,
Aukerman,	Flanagan,	McHenry,	Simpson,
Baine,	Flinchbaugh,	McKinney,	Sloan,
Baker, J J.	Furman,	Melchiorre,	Smith, J. A.,
Baldi,	Gates,	Mentzer,	Smith, W. G.,
Barber,	Gerard,	Merrell,	Snyder, F. E.,
Barnhardt,	Gillette,	Moomaw,	Sowers,
Bernhard,	Habbyshaw,	Mooney,	Spangler,
Blumberg	Haberlen,	Moore,	Stank,
Boose,	Hagerty,	Moran,	Stevens,
Boyd, R.,	Haluska,	Moul,	Stewart,
Boyer,	Hamilton, F. P.,	Muir,	Stockham,
Bradley,	Hamilton, R. S.,	Munley,	Sumney,
Brancato,	Harkins,	Nagel,	Surface,
Brennan,	Harmuth,	Nothnagle,	Terry,
Brown, H. S.,	Hart,	O'Keefe,	Tronzo,
Brown, J. E.,	Hefferon,	Ominsky,	Trout,
Brownfield,	Hermansen	O'Neill,	Tumelty,
Brumbaugh	Hindman,	Panton,	Van Allsburg,
Burke,	Hirsch,	Parks,	Van Sickle,
Cannon,	Hoffner,	Patterson, C.,	Walker,
Caputo,	Holland,	Patterson, J. W.,	Wall,
Carson,	Holstrom,	Perry,	Weidemann,
Chervenak	Hoopes,	Peters,	Weiss,
Cochran,	Horst,	Pfaff,	Welliver,
Coleman,	Jackson,	Piole,	Welsh,
Condon,	Jones,	Powers,	Westrick,
Coolahan,	Kane,	Reising,	Wilson,
Cordier,	Kelder,	Reynolds,	Winner,
Davies,	Kelso,	Rhys,	Witkin,
Decker,	Kilroy,	Roan,	Wood,
Denning,	Kinney,	Robinson,	Woodside,
Dent,	Kobelak,	Ruffennach,	Yeakel,
Diehl,	LaRue,	Ruth,	Yourishin,
Dilley,	Linderman,	Sarraf,	Zappala,
Downey, G. E.,	Long,	Scanlon,	Zimmerman,
Downey, J. J.,	Longaker,	Schrock,	Sarig,
Duffort,	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1841, entitled:

An Act to amend section twenty-five of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by reducing the number of days the machines must be locked following a fall primary.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eberharter,	Lovett,	Schrope,
Alexander,	Eroe,	Lynch,	Schwab,
Allen,	Falkenstein,	Male,	Shaw,
Andrews,	Ferko,	Mason,	Shepard,
Arnold,	Finnerty,	McCreary,	Shortz,
Atkins,	Fitch,	McDermott,	Shugarts,
Aukerman,	Flanagan,	McElroy,	Simpson,
Baine,	Flinchbaugh,	McHenry,	Sloan,
Baker, J. J.,	Furman,	McKinney,	Smith, J. A.,
Baldi,	Gates,	Melchiorre,	Smith, W. G.,
Barber,	Gerard,	Mentzer,	Snyder, F. E.,
Barnhardt,	Gillette,	Merrell,	Sowers,
Bernhard,	Habbyshaw,	Moomaw,	Spangler,
Blumberg,	Haberlen,	Mooney,	Stank,
Boose,	Hagerty,	Moore,	Stevens,
Boyd, R.,	Haluska,	Moran,	Stewart,
Boyer,	Hamilton, F. P.	Moul,	Stott,
Bradley,	Hamilton, R. S.,	Muir,	Sumney,
Brancato,	Harkins,	Munley,	Surface,
Brennan,	Harmuth,	Nagel,	Terry,
Brown, H. S.,	Hart,	Nothnagle,	Tronzo,
Brown, J. E.,	Hefferon,	O'Keefe,	Trout,
Brownfield,	Hermansen,	Ominsky,	Tumelty,
Brumbaugh,	Hindman,	O'Neill,	Van Allsburg,
Burke,	Hirsch,	Panton,	Van Sickle,
Cannon,	Hoffner,	Parks,	Walker,
Caputo,	Holland,	Patterson, C.,	Wall,
Carson,	Holstrom,	Patterson, J. W.,	Weidemann,
Chervenak,	Hoopes,	Perry,	Weiss,
Cochran,	Horst,	Peters,	Welliver,
Coleman,	Jackson,	Pfaff,	Welsh,
Condon,	Jones,	Piole,	Westrick,
Coolahan,	Kane,	Powers,	Wilson,
Cordier,	Kelder,	Reising,	Winner,
Davies,	Kelso,	Reynolds,	Witkin,
Decker,	Kilroy,	Rhys,	Wood,
Denning,	Kinney,	Roan,	Woodside,
Dent,	Klingler,	Robinson,	Yeakel,
Diehl,	Kobelak,	Ruffennach,	Yourishin,
Dilley,	LaRue,	Ruth,	Zappala,
Downey, G. E.,	Linderman,	Sarraf,	Zimmerman,
Downey, J. J.,	Long,	Scanlon,	Sarig,
Duffort,	Longaker,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1842, entitled:

An Act to amend section fourteen of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended; by limiting the time in which final computation of the returns must be made following any fall primary.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eberharter,	Lynch,	Schrope,
Alexander,	Eroe,	Male,	Schwab,
Allen,	Falkenstein,	Mason,	Shaw,
Andrews,	Ferko,	McCreary,	Shepard,
Arnold,	Finnerty,	McDermott,	Shortz,
Atkins,	Fitch,	McElroy,	Shugarts,
Aukerman,	Flanagan,	McHenry,	Simpson,
Baine,	Flinchbaugh,	McKinney,	Sloan,
Baker, J J.,	Furman,	Melchiorre,	Smith, J. A.,
Baldi,	Gates,	Mentzer,	Smith, W. G.,
Barber,	Gerard,	Merrell,	Snyder, F. E.,
Barnhardt,	Gillette,	Moomaw,	Sowers,
Bernhard,	Habbyshaw,	Mooney,	Spangler,
Blumberg,	Haberlen,	Moore,	Stank,
Boose,	Hagerty,	Moran,	Stevens,
Boyd, R.,	Haluska,	Moul,	Stewart,
Boyer,	Hamilton, F. P.,	Muir,	Stockham,
Bradley,	Hamilton, R. S.,	Munley,	Sumney,
Brancato,	Harkins,	Nagel,	Surface,
Brennan,	Harmuth,	Nothnagle,	Terry,
Brown, H. S.,	Hart,	O'Keefe,	Tronzo,
Brown, J. E.,	Hefferon,	Ominsky,	Trout,
Brownfield,	Hermansen,	O'Neill,	Tumelty,
Brumbaugh,	Hindman,	Panton,	Van Allsburg,
Burke,	Hirsch,	Parks,	Van Sickle,
Cannon,	Hoffner,	Patterson, C.,	Walker,
Caputo,	Holland,	Patterson, J. W.,	Wall,
Carson,	Holstrom,	Perry,	Weidemann,
Chervenak,	Hoopes,	Peters,	Weiss,
Cochran,	Horst,	Pfaff,	Welliver,
Coleman,	Jackson,	Piole,	Welsh,
Condon,	Jones,	Powers,	Westrick,
Coolahan,	Kane,	Reising,	Wilson,
Cordier,	Kelder,	Reynolds,	Winner,
Davies,	Kelso,	Rhys,	Witkin,
Decker,	Kilroy,	Roan,	Wood,
Denning,	Kinney,	Robinson,	Woodside,
Dent,	Kobelak,	Ruffennach,	Yeakel,
Diehl,	LaRue,	Ruth,	Yourishin,
Dilley,	Linderman,	Sarraf,	Zappala,
Downey, G. E.,	Long,	Scanlon,	Zimmerman,
Downey, J. J.,	Longaker,	Schrock,	Sarig,
Duffort,	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2175, entitled:

An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and seventeen (Pamphlet Laws three hundred twenty-two) entitled "An act to give protection and to regulate the catching or taking or having in possession within this Commonwealth of any bullfrogs tadpoles and terrapin and providing penalties and punishments for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how and by whom the costs in such cases shall be paid" providing penalties for catching or killing bullfrogs tadpoles or terapin out of season.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eberharter,	Lovett,	Schrock,
Alexander,	Eroe,	Lynch,	Schrope,
Allen,	Falkenstein,	Male,	Schwab,
Andrews,	Ferko,	Mason,	Shaw,
Arnold,	Finnerty,	McCreary,	Shepard,
Atkins,	Fitch,	McDermott,	Shortz,
Aukerman,	Flanagan,	McElroy,	Shugarts,
Baine,	Flinchbaugh,	McHenry,	Simpson,
Baker, J J.,	Furman,	McKinney,	Sloan,
Baldi,	Gates,	Melchiorre,	Smith, J. A.,
Barnhardt,	Gerard,	Mentzer,	Smith, W. G.,
Bernhard,	Gillette,	Merrell,	Snyder, F. E.,
Blumberg,	Habbyshaw,	Moomaw,	Sowers,
Boose,	Haberlen,	Mooney,	Spangler,
Boyd, R.,	Hagerty,	Moore,	Stank,
Boyer,	Haluska,	Moran,	Stevens,
Bradley,	Hamilton, F. P.,	Moul,	Stewart,
Brancato,	Hamilton, R. S.,	Muir,	Stockham,
Brennan,	Harkins,	Munley,	Sumney,
Brown, H. S.,	Harmuth,	Nagel,	Surface,
Brown, J. E.,	Hart,	Nothnagle,	Terry,
Brownfield,	Hefferon,	O'Keefe,	Tronzo,
Brumbaugh,	Hermansen,	Ominsky,	Trout,
Burke,	Hindman,	O'Neill,	Tumelty,
Cannon,	Hirsch,	Panton,	Van Allsburg,
Caputo,	Hoffner,	Parks,	Van Sickle,
Carson,	Holland,	Patterson, C.,	Walker,
Chervenak,	Holstrom,	Patterson, J. W.,	Wall,
Cochran,	Hoopes,	Perry,	Weidemann,
Coleman,	Horst,	Peters,	Weiss,
Condon,	Jackson,	Pfaff,	Welliver,
Coolahan,	Jones,	Piole,	Welsh,
Cordier,	Kane,	Powers,	Westrick,
Davies,	Kelder,	Reising,	Winner,
Decker,	Kelso,	Reynolds,	Witkin,
Denning,	Kilroy,	Rhys,	Wood,
Dent,	Kinney,	Roan,	Woodside,
Diehl,	Kobelak,	Robinson,	Yeakel,
Dilley,	LaRue,	Ruffennach,	Yourishin,
Downey, G. E.,	Linderman,	Ruth,	Zappala,
Downey, J. J.,	Long,	Sarraf,	Zimmerman,
Duffort,	Longaker,	Scanlon,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2117, entitled:

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eberharter,	Lynch,	Schrope,
Alexander,	Eroe,	Male,	Schwab,
Allen,	Falkenstein,	Mason,	Shaw,
Andrews,	Ferko,	McCreary,	Shepard,
Arnold,	Finnerty,	McDermott,	Shortz,
Atkins,	Fitch,	McDevitt,	Shugarts,
Aukerman,	Flanagan,	McElroy,	Simpson,
Baine,	Flinchbaugh,	McHenry,	Sloan,
Baker, J J.,	Furman,	McKinney,	Smith, J. A.,
Baldi,	Gates,	Melchiorre,	Smith, W. G.,
Barber,	Gerard,	Mentzer,	Snyder, F. E.,
Barnhardt,	Gillette,	Merrell,	Sowers,
Bernhard,	Habbyshaw,	Moomaw,	Spangler,
Blumberg,	Haberlen,	Mooney,	Stank,
Boose,	Hagerty,	Moore,	Stevens,
Boyd, R.,	Haluska,	Moran,	Stewart,
Boyer,	Hamilton, F. P.,	Moul,	Stockham,
Bradley,	Hamilton, R. S.,	Muir,	Sumney,
Brancato,	Harkins,	Munley,	Surface,
Brennan,	Harmuth,	Nagel,	Terry,
Brown, H. S.,	Hart,	Nothnagle,	Tronzo,
Brown, J. E.,	Hefferon,	O'Keefe,	Trout,
Brownfield,	Hermansen,	Ominsky,	Tumelty,
Brumbaugh,	Hindman,	O'Neill,	Van Allsburg,
Burke,	Hirsch,	Panton,	Van Sickle,
Cannon,	Hoffner,	Parks,	Walker,
Caputo,	Holland,	Patterson, C.,	Wall,
Carson,	Holstrom,	Patterson, J. W.,	Weidemann,
Chervenak,	Hoopes,	Perry,	Weiss,
Cochran,	Horst,	Peters,	Welliver,
Coleman,	Jackson,	Pfaff,	Welsh,
Condon,	Jones,	Piole,	Westrick,
Coolahan,	Kane,	Powers,	Wilson,
Cordier,	Kelder,	Reising,	Winner,
Davies,	Kelso,	Reynolds,	Witkin,
Decker,	Kilroy,	Rhys,	Wood,
Denning,	Kinney,	Roan,	Woodside,
Dent,	Kobelak,	Robinson,	Yeakel,
Diehl,	LaRue,	Ruffennach,	Yourishin,
Dilley,	Linderman,	Ruth,	Zappala,
Downey, G. E.,	Long,	Sarraf,	Zimmerman,
Downey, J. J.,	Longaker,	Scanlon,	Sarig,
Duffort,	Lovett,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 813, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertinent to the assessment and registration of voters in cities other than first and second class and repealing existing acts relating thereto" by changing such compensation

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Eroe,	Male,	Schrope,
Alexander,	Falkenstein,	Mason,	Schwab,
Allen,	Ferko,	McCreary,	Shaw,
Andrews,	Finnerty,	McDermott,	Shepard,
Arnold,	Fitch,	McDevitt,	Shortz,
Atkins,	Flanagan,	McElroy,	Shugarts,
Aukerman,	Flinchbaugh,	McHenry,	Simpson,
Baine,	Furman,	McKinney,	Sloan,
Baker, J J.,	Gates,	Melchiorre,	Smith, J. A.,
Baldi,	Gerard,	Mentzer,	Smith, W. G.,
Bernhard,	Gillette,	Merrell,	Snyder, F. E.,
Blumberg,	Habbyshaw,	Moomaw,	Sowers,
Barnhardt,	Haberlen,	Mooney,	Spangler,
Boose,	Hagerty,	Moore,	Stank,
Boyd, R.,	Haluska,	Moran,	Stevens,
Boyer,	Hamilton, F. P.,	Moul,	Stewart,
Bradley,	Hamilton, R. S.,	Muir,	Stockham,
Brancato,	Harkins,	Munley,	Sumney,
Brennan,	Harmuth,	Nagel,	Surface,
Brown, H. S.,	Hart,	Nothnagle,	Terry,
Brown, J. E.,	Hefferon,	O'Keefe,	Tronzo,
Brownfield,	Hermansen,	Ominsky,	Trout,
Brumbaugh,	Hindman,	O'Neill,	Tumelty,
Burke,	Hirsch,	Panton,	Van Allsburg,
Cannon,	Hoffner,	Parks,	Van Sickle,
Caputo,	Holland,	Patterson, C.,	Walker,
Carson,	Holstrom,	Patterson, J. W.,	Wall,
Chervenak,	Hoopes,	Perry,	Weidemann,
Cochran,	Horst,	Peters,	Weiss,
Coleman,	Jackson,	Pfaff,	Welliver,
Condon,	Jones,	Piole,	Welsh,
Coolahan,	Kane,	Powers,	Westrick,
Cordier,	Kelder,	Reising,	Wilson,
Davies,	Kelso,	Reynolds,	Winner,
Decker,	Kilroy,	Rhys,	Witkin,
Denning,	Kinney,	Roan,	Wood,
Dent,	Kobelak,	Robinson,	Woodside,
Diehl,	LaRue,	Ruffennach,	Yeakel,
Downey, G. E.,	Linderman,	Ruth,	Yourishin,
Downey, J. J.,	Long,	Sarraf,	Zappala,
Dilley,	Longaker,	Scanlon,	Zimmerman,
Duffort,	Lovett,	Schrock,	Sarig,
Eberharter,	Lynch,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1286, as follows:

An Act to amend sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act pro-

viding for the granting of licenses to widows instead of to estates defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" are hereby amended to read as follows

Section 10 (a) Any [applicant or licensee whose license has been refused suspended or revoked by] party aggrieved by a decision of the board shall within thirty days have the right to appeal to the court of common pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the Board The court may in proper cases remit the record to the Board for the taking of further testimony

(b) Any State association of funeral directors or any party in interest shall be entitled to be heard by the Board and may appeal any decision of the Board on its own behalf naming as defendants the Board and any other party in interest The said association or incorporated local association of funeral directors or any person having an interest in the controversy may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of this law or the regulations of the Board For such purposes the common pleas court of the county where the violations occur or where the defendant may be served shall have jurisdiction

Section 12 (a) No person shall [operate] practice as an undertaker or funeral director as defined herein in this Commonwealth unless he or she shall hold a license so to do as provided in this act

The provisions of this section shall not apply to [(a)] (1) Bona fide employes of a licensed undertaker

[(b)] (2) Employes of any cemetery or crematory whose duties or business extend no further

[(c)] (3) Persons acting under the orders of commissioned medical officers of the Army or Navy or Maine force of the United States

[(d)] (4) Persons disposing of the bodies of deceased persons lawfully placed at the disposition of legally organized medical surgical or other institutions for the benefit of science

[(e)] (5) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity

[(f)] (6) [Estates] Widows of deceased licensees when the business is carried on under the supervision of a licensed undertaker for such period as she remains a widow and under such rules and regulations as may be prescribed by the board

(b) No person shall as an officer of a corporation allow it to practice as a funeral director unless such corporation shall be duly qualified so to do

(c) No person shall lend sell buy give or obtain a license as a funeral director or a registration card issued by the Board in any other manner than is provided for in this act nor offer or attempt so to do

(d) No person shall attempt to practice under guise of a license or registration card not issued by the Board or under cover of a license or registration card obtained illegally or fraudulently or which has been revoked or suspended

(e) A person either individually or as a member of a partnership or of a corporation shall be deemed to be practicing as a funeral director within the meaning and intent of this act

(1) Who holds himself out to the public in any manner as one who is skilled in the knowledge of science and practice of funeral directing embalming or undertaking

(2) Who as an employe except of a duly licensed funeral director performs services in connection with assisting in the arrangements for the burial or disposal of the body of a deceased person

(3) Who permits either as lessee employe associate or in any capacity whatsoever the illegal operation of an establishment or enterprise of any character or description whereby the public is led to believe that therein is offered or avilable funeral directing or undertaking services or facilities

Section 14 (a) The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking including the regulation of names of persons firms or corporations the raising of educational and other requirements of apprentices and prescribing additional grounds for revocation or suspension of licenses and the method for the restoration thereof and such other matters as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession

(b) It [may if the department approves] shall appoint an inspector whose title shall be "Inspector State Board of Undertakers Commonwealth of Pennsylvania" Such inspector shall hold office at the pleasure of the board and shall receive such compensation as shall be fixed by the board with the approval of the [Superintendent of Public Instruction] department Such inspector shall be empowered to serve all processes and papers of the board and shall have the right of entry into any place where the business or profession of undertaking is carried on or advertised as being carried on for the purpose of inspection

(c) The Board shall consist of five members appointed by the Governor with the advice and consent of the Senate All appointments after the passage of this act shall be made from licensed funeral directors of good moral character

At the expiration of the term of the member whose term shall expire first then his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-two at the expiration of the term of the member whose term is second to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-three at the expiration o fthe term of the member whose term is third to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-four at the expiration of the term of the member whose term is fourth to expire his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-five at the expiration of the term of the member whose term is last to expire he shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-six Thereafter all appointments shall be made for terms of five years expiring August thirty-first of each year Whenever a vacancy shall occur before the expiration of the term of any member then the succeeding appointment shall be for the unexpired portion of the said term it being the intention of this act that one member of the Board shall be appointed annually to fill the vacancy of a member whose regular term expires on August thirty-first of each year Providing always that at the expiration of a member's tenure he shall continue to serve on the Board until his successor shall have been appointed

(d) The Board shall formulate regulations and distribute the same to each registered licensee Regulations shall not become effective until sixty days after notice thereof has been given to all licensees and persons entitled to receive such notice Every person practicing as a funeral director as defined in this act and his employes shall be governed and controlled by the regulations adopted by the Board For the purposes of this act the

words "undertaker" and "funeral director" shall be deemed to be synonymous

(e) At the first meeting of each year which the Board shall hold in Harrisburg it shall elect one of its members as chairman and one as vice-chairman It shall make an annual report to the Governor It shall keep all applications filed all documents under oath a record of its proceedings and shall maintain a register of all the names and addresses of all persons applying for and of those receiving licenses and registration cards under this act any of which or a certified copy thereof shall be prima facie evidence of all matters covered by them The Board may appoint or employ a chief clerk and special counsel in addition to the attorney general The Board shall not hereafter grant any new branch licenses and it may suspend or revoke inactive licenses of any individual or corporation

(f) The Board is hereby transferred from the Department of Public Instruction to the Department of Health All duties and functions under this act required to be performed by the Superintendent or Department of Public Instruction shall be performed by the Secretary or Department of Health

Section 2 This act shall become effective upon its final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman	Duffort,	Longaker,	Scanlon,
Alexander,	Eberharter,	Lovett,	Schrock,
Allen,	Eroe,	Lynch,	Schrope,
Andrews,	Falkenstein,	Male,	Schwab,
Arnold,	Ferko,	Mason,	Shaw,
Atkins,	Fineerty,	McCreary,	Shepard,
Aukerman	Fitch,	McDermott,	Shortz,
Baine,	Flanagan,	McElroy,	Shugarts,
Baker, J J.	Flinchbaugh	McHenry,	Simpson,
Baldi,	Furman,	McKinney,	Sloan,
Barber,	Gates,	Melchiorre,	Smith, W. G.,
Barnhardt,	Gerard,	Mentzer,	Snyder, F. E.,
Bernhard,	Gillette,	Merrell,	Sowers,
Blumberg	Habbyshaw,	Moomaw,	Spangler,
Boose,	Haberlen,	Mooney,	Stank,
Boyd, R.,	Hagerty,	Moore,	Stevens,
Boyer,	Haluska,	Moran,	Stewart,
Bradley,	Hamilton, F. P.,	Moul,	Stockham,
Brancato,	Hamilton, R. S.,	Muir,	Sumney,
Brennan,	Harkins,	Munley,	Surface,
Brown, H. S.,	Harmuth,	Nagel,	Terry,
Brown, J. E.,	Hart,	Nothnagle,	Tronzo,
Brownfield,	Hefferon,	O'Keefe,	Trout,
Brumbaugh,	Hermansen	Ominsky,	Tumelty,
Burke,	Hindman,	O'Neill,	Van Allsburg
Cannon,	Hirsch,	Panton,	Van Sickle,
Caputo,	Hoffner,	Parks,	Walker,
Carson,	Holland,	Patterson, C.,	Wall,
Chervenak	Holstrom,	Patterson, J. W.,	Weidemann,
Cochran,	Hoopes,	Perry,	Weiss,
Coleman,	Horst,	Peters,	Welliver,
Condon,	Jackson,	Pfaff,	Welsh,
Coolahan,	Jones,	Piole,	Westrick,
Cordier,	Kane,	Powers,	Wilson,
Davies,	Kelder,	Reising,	Winner,
Decker,	Kelso,	Reynolds,	Witkin,
Denning,	Kilroy,	Rhys,	Wood,
Dent,	Kinney,	Roan,	Woodside,
Diehl,	Kobelak,	Robinson,	Yeakel,
Dilley,	LaRue,	Ruffennach,	Yourishin,
Downey, G. E.,	Linderman,	Ruth,	Zappala,
Downey, J. J.,	Long,	Sarraf,	Zimmerman,
			Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. O'KEEFE. Mr. Speaker, I desire to call up at this time House Bill No. 1916 (Senate Bill No. 141) on page 29, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. O'KEEFE.

The House resumed the consideration on third reading of House Bill No. 1916 (Senate Bill No. 141), entitled:

An Act authorizing the statement of certain tax penalties and interest on county city except city of the first class borough town township school district except school district of the first class and poor district taxes

On the question,

Will the House agree to the bill on third reading?

Mr. O'KEEFE. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 21, by adding at the end of the line, after the words "thirty-nine," the following: "and, Provided further, That the respective current taxes for the years during such installment periods shall be paid before they become delinquent"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

TIME EXTENDED ON BILL

Mr. CAPUTO. Mr. Speaker, I move that the time on House Bill No. 473 Printer's No. 620, entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgment and executions thereof and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante

absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended; further defining the nature and kind of investments of trust funds to be made by fiduciaries.

on page 31 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

STATEMENT BY MR. McCREARY

Mr. McCREARY asked and obtained unanimous consent to make the following statement:

Mr. Speaker, and members of the House, will you kindly give me your close attention for just two minutes?

You will remember that yesterday there was an announcement that the baseball enthusiasts would meet some time this next week. You will also remember that two or three weeks ago I had the honor of being appointed umpire—whether I was elected or appointed I don't know which, but I was delighted with the honor until my life insurance agency told me that that was considered a very hazardous occupation, and that if I persisted in acting as an umpire, they would have to do one of two things, either cancel my insurance, or raise the premium by one-half.

Now, that is an important matter for a man of my years, because that insurance will pay my mortgage when I die, so he said that there was a method by which I could overcome it, by equipping myself with such apparatus, as would decrease the hazards. He said that one of the great hazards was that the ball was too hard. If they agreed to play with a softer ball and would equip myself with the necessary equipment that they could pass it up.

So, I equipped myself with the apparatus, and I am therefore glad to say that I can act in the capacity of a baseball umpire. Now, will the Captain of the Baseball Club, please come forward and take charge of this equipment?

ANNOUNCEMENT BY MR. BARNHARD

Mr. BARNHARD. Mr. Speaker, I would like to make a short announcement. Unless something unforeseen happens, the baseball game between the Republicans and Democrats will be played on the Island, the home ground of the Senators, on Tuesday, May 14th, at 3:00 P. M.

REPORTS FROM COMMITTEES

Mr. HOLSTROM from the Committee on Cities reported as committed, House Bill No. 2121, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class; providing for the organization of a board for superintending and managing the drawing and selecting of the jurors, and prescribing its powers and duties; conferring powers and imposing duties and liabilities on the sheriff; imposing duties on registration commissions; and prescribing penalties.

Mr. HOLSTROM from the Committee on Cities reported as committed, House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1:1, 1:2, 1:3, 1:4, 1:5, 2:1, 2:2, 2:4, 70:1, 70:2, and 73 to the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

Mr. HAGERTY from the Committee on Cities reported as committed, House Bill No. 1928, entitled:

An Act providing for the administration of relief to the poor in cities of the first class by the Department of Public Welfare, and abolishing existing poor districts therein.

Mr. EROE from the Committee on Municipal Corporations reported as committed House Bill No. 2415, entitled:

An Act providing for the creation and incorporation of improvement authorities at the option of the voters in cities, boroughs, towns and townships; prescribing the powers and duties of such authorities; and authorizing such authorities to engage in the enterprise of furnishing water, sewers and sewage treatment works, gas or electric heat, light or power services to the inhabitants of such cities, boroughs, towns and townships, and to issue bonds, and imposing certain duties upon certain State, county, city, borough, town and township officers.

Mr. EROE from the Committee on Municipal Corporations reported as committed House Bill No. 2468, entitled:

An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by counties, cities, boroughs, towns, townships, school districts, poor districts and other incorporated districts of this Commonwealth for public works projects.

Mr. EROE from the Committee on Municipal Corporations reported as committed House Bill No. 2406, entitled:

An Act to authorize cities, boroughs, towns and townships and the Commonwealth, its subdivisions and agencies to co-operate with housing authorities and the United States of America by rendering services, conveying or leasing property, and providing for streets, road and other facilities; to require any city located within a housing authority to make an appropriation for the first year's administrative expenses of such authority; and to authorize cities, boroughs, towns and townships located within housing authorities to make grants and lend money to such housing authorities.

Mr. McELROY from the Committee on Municipal Corporations reported as committed, House Bill No. 2476, entitled:

An Act providing for the incurring or increasing of indebtedness by counties, cities, boroughs, towns, townships, school districts and poor districts, for the purpose of financing public works projects from the proceeds of loans or grants or both from the federal government or any agency thereof, prescribing the procedure to be followed in authorizing the issuance of bonds as evidence of such indebtedness, and their disposal at public sale or at private sale to the federal government or any agency thereof; authorizing counties, cities, boroughs, towns, townships, school districts and poor districts, to accept grants and enter into any contracts required in connection with the acceptance of any loan or grant or both or the construction of any project from the proceeds thereof; and providing for the expiration of the power conferred by this act on the thirtieth day of June, one thousand nine hundred and thirty-seven.

QUESTION OF PERSONAL PRIVILEGE

Mr. LONGAKER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. LONGAKER. Mr. Speaker, in the Legislative Journal of April 11th, 1935, Pages 2033-2034, and 2035, my name was not included among those voting on House Bills Nos. 1153, 1689, and 766. I wish to be recorded as voting "aye" on those Bills. I was present and voting on that day.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

STATEMENT BY MR. HALUSKA

Mr. HALUSKA asked and obtained unanimous consent to make the following statement:

Mr. Speaker, and members of the House, the Democratic members of the House, who wish to take part in this baseball game have not as yet turned in their names. I request that all members who wish to take part in this baseball game on May 14th, turn in their names along with the position they wish to play, so that I might have it ready for the press on Monday afternoon.

QUESTION OF PERSONAL PRIVILEGE

Mr. Van ALLSBURG. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. Van ALLSBURG. Mr. Speaker, I was present and voted in the affirmative on the final passage of House Bills Nos. 1153, 1689 and 766, as recorded on Pages 2033, 2034, and 2035 of the Legislative Journal, for April 11th, and wish to be so recorded.

The SPEAKER. The remarks from the gentleman under his question of personal privilege will be spread upon the Journal.

ADJOURNMENT

Mr. WINNER. Mr. Speaker, I move that this House do now adjourn until Monday, April 29, 1935, at 9:00 P. M.

The motion was agreed to, and (at 11:28 A. M.) the House adjourned until Monday, April 29, 1935, at 9:00 P. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, APRIL 29, 1935 No. 53

SENATE

MONDAY, April 29, 1935

The Senate met at 9 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Deepen our reverence for Thee, our Lord and our God. We are prone to honor them to whom worldly honor is due. We are careful to bestow proper titles upon the persons with whom we come in contact and to acknowledge their influence and their positions in life. We even feel gratified and proud when those with whom we associate show us honor by their words and actions.

Yet how empty are all those obsequious words and deeds. The greatest man on earth is, after all, merely a man and could not long live without his fellowman. Much less could he live without Thee.

How careless we often are concerning our attitude toward Thee. How frequently we fail to honor Thy person and Thy name, accepting Thy favors and benefits in silence. Yes, we at times take Thy name in vain and drag Thy honor in the dust.

Forgive us, O Lord. Make us jealous of Thy honor and less anxious about our own. Tune our hearts to exclaim, "Holy, holy, holy Lord God of hosts, all the earth is filled with Thy glory."

May these men, our law-makers, and may all of us show forth the majesty of Thy great name in the desires of our hearts, the words of our mouths and the activities of our lives. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. GELDER asked and obtained leave of absence for the Senator from Lackawanna, Mr. Howell.

PETITIONS

OPPOSING ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petition signed by members of the Men's Bible Class of Emmanuel E. C. Church, Bethlehem, protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

FAVORING SENATE BILL NO. 677.

The Chair also laid before the Senate petition from the United Garment Workers of America, Local Union 288, favoring Senate Bill No. 677.

Which was referred to the Committee on Judiciary General.

OPPOSING SENATE BILL NO. 663.

The Chair also laid before the Senate petition from the Town Council of the Borough of Malvery protesting against Senate Bill No. 663.

Which was referred to the Committee on Finance.

FAVORING HOUSE BILL NO. 977.

Mr. PRINCE presented petition from the South Middleton Township Supervisors, Cumberland County, favoring House Bill No. 977.

Which was referred to the Committee on Highways.

OPPOSING SENATE BILL NO. 662.

Mr. McCLURE presented petition signed by various residents of Philadelphia County protesting against Senate Bill No. 662.

Which was referred to the Committee on Finance.

COMMUNICATION FROM LINN G. ADAMS, SUPERINTENDENT OF STATE POLICE

The Chair cleared his table and laid before the Senate the following communication:

Harrisburg, Pennsylvania, April 29, 1935.

To the Senate of the Commonwealth of Pennsylvania:

In accordance with a Resolution directed to the Superintendent of the Pennsylvania State Police, dated April 1, 1935, directing that he collect detailed information as to the number of men that would be put out of employment should the law prohibit the payment of deputy sheriffs by persons and private corporations, I have the honor to submit the following result of a survey of the various Counties:

NUMBER OF DEPUTY SHERIFFS COMMISSIONED IN PENNSYLVANIA WHO ARE NOT PAID FROM COUNTY FUNDS BUT PAID BY PERSONS OR PRIVATE CORPORATIONS

County	Number of Deputy Sheriffs Commissioned and paid by persons or Corporations	Largest number of Deputies so Commissioned	Date the latter was in effect
Adams	1	1	April, 1935
Allegheny	149	149	April, 1935
Armstrong	7	10	1931, 1932
Beaver	14	150	1932
Bedford	1	1	April, 1935
Berks	0	82	Sept., 1934
Blair	0	2	May, 1934
Bradford	0	0	
Bucks	0	1	
Butler	2	6	Feb., 1935
Cambria	4	300	1927
Cameron	0	0	
Carbon	10	10	April, 1935
Centre	0	0	
Chester	0	4	Sept., 1934
Clarion	0	0	
Clearfield	0	50	1926, 1927, '28
Clinton	7	7	April, 1935
Columbia	3	20	Oct., 1934
Crawford	14	14	April, 1935
Cumberland	0	0	
Dauphin	5	5	April, 1935
Delaware	103	103	April, 1935
Elk	0	0	
Erie	55	55	April, 1935
Fayette	117	350	Nov., 1933
Forest	0	0	
Franklin	0	0	
Fulton	0	0	
Greene	10	75	June, 1922
Huntingdon	0	0	
Indiana	0	100	1924 to 1928
Jefferson	0	25	1926, 1927
Juniata	0	0	
Lackawanna	67	67	April, 1935
Lancaster	58	58	April, 1935
Lawrence	38	38	April, 1935
Lebanon	0	0	
Lehigh	0	0	
Luzerne	0	18	Sept., 1934
Lycoming	0	0	
McKean	0	0	
Mercer	39	39	April, 1935
Mifflin	32	35	Jan., 1934
Monroe	0	0	
Montgomery	14	20	1933, 1934
Montour	0	0	
Northampton	0	0	
Northumberland	0	0	
Perry	0	0	
Philadelphia	0	0	
Pike	2	2	April, 1935
Potter	0	0	
Schuylkill	57	71	Sept., 1934
Snyder	2	2	July, 1932
Somerset	0	275	July, 1922
Sullivan	0	0	
Susquehanna	1	1	April, 1935
Tioga	0	0	
Union	0	0	
Venango	5	5	April, 1935
Warren	1	1	April, 1935
Washington	24	385	June, 1931
Wayne	2	2	April, 1935
Westmoreland	19	36	June, 1933
Wyoming	0	0	
York	0	0	
	863	2,575	

I estimate that six hundred (600) additional men, with an adequate appropriation for transportation and equipment, would make the Pennsylvania State Police Force strong enough to handle any situation that is likely to occur outside of the Cities of Philadelphia and Pittsburgh.

Respectfully submitted:

LYNN G. ADAMS,
Superintendent, State Police.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, last Friday and Saturday, my home in Philadelphia was picketed by a number of men carrying posters stating in effect first, that I should support Governor Earle's program; and secondly, that the tax program of the Republican Organization was socking the poor and neglecting the unemployed. I spoke to these pickets and found that their resentment arose chiefly from the fact that they were hungry, and also from the fact that they were told and they believed that Governor Earle's program would relieve their hunger and unemployment, and that the Republican program would give them neither food nor work but was being proposed for the benefit of the monied interests of the State.

I am a Republican Senator. I was elected on a Republican ticket. I am still a Republican. What I am about to say, however, is not intended to be and should not be understood as criticism of any person or group, but is being made to express and explain by attitude and convictions on a subject which is of vital and pressing importance to me and the people whom I represent, and therefore, although I am a Republican, I cannot, no more than I can support the administration program in its entirety, conscientiously approve the program advanced by my Republican colleagues. In my opinion, both programs, whether intentionally or otherwise, are either unduly oppressive to one class of our citizens, or unnecessarily favorable to another. I am making this statement because I believe, and I know that both my Republican and Democrat colleagues will agree, that relief must not be a political issue and that any tax program, to be successful and accepted, must be wholly free from any taint or suspicion of political or party advocacy or atmosphere. For this reason I cannot and will not be bound by any program, irrespective of whom its sponsors may be. In this emergency the crying needs of our hungry and unemployed rise paramount to any political loyalties or exigencies.

Approaching the problem of taxation from this viewpoint, I feel compelled to say, first of all, that my discussion and correspondence on the sales tax has convinced me not only that the majority of our people do not favor it, but that it may impose an unnecessary burden on the poor man and that it will create a definite sales resistance that will reduce the volume of business and consequently

increase unemployment. While it is true that these harmful effects can to some degree be alleviated by a proper and carefully planned sales tax, it is obvious that this tax should not be levied if there are other sufficient and more equitable taxes, and my study of the subject has convinced me that there are such taxes. I am therefore unalterably opposed to and will not vote for a sales tax, whether it be for the purpose of relieving taxes on real estate, or for any other purpose. [I am, however, in favor of relieving real estate taxes by means of a graduated income tax].

Taxes on cigarettes and soft drinks are not only nuisance taxes, but are also a levy on two of the few pleasures that the needy of the State should still be permitted to enjoy, and I am therefore opposed to such taxes.

The suggested increase from 6% to 10% on corporate net profits is unecessary and dangerous. It may tax out of existence or drive from the State the businesses which provide revenue for the State and employment for our people. In addition, it contemplates the continued unwarranted exemption of manufacturing corporations from a capital stock tax—an advantage that they today unjustly enjoy.

A mileage tax on foreign trucks will of necessity lead to retaliatory legislation from our sister States, and no one can tell what form or extent that retaliation will take. I am therefore opposed to such a tax.

The adminisration program contemplates a two year plan. This I believe is unnecessary. We are living in a period of uncertain and changing economic life and should therefore plan for no more than one year. At the end of that time we will be better able to estimate and determine the source and probable extent of our income and the nature and requirements of our extraordinary relief expenditures. We will be able to take advantage of any economic changes. We will know in precisely what manner and to what extent the relief activities of the Federal Government, including its contemplated expenditure of five billion dollars, will aid our people and decrease our present burden.

It is of course true that the best way of providing for the present extraordinary emergency is by spreading its burden over a number of years. This, however, is made impossible by the present Constitutional limitations on our borrowing capacity. I am therefore in favor of a Constitutional Convention for the purpose, among other things, of creating, under proper limitations, a greater borrowing capacity for the State. Likewise, at such convention, provision should be made for a graduated income tax, now deemed unconstitutional.

A one year program, according to the Governor's estimate, requires the raising of $101,500,000. From this should be deducted $27,500,000 representing unexpended relief funds ($7,500,000); unnecessary immediate returns to Special Funds ($13,000,000); and an arbitrary estimated reduction in normal income ($7,000,000). During the coming year, therefore, we must raise $74,000,000. The acceptance of four of the twenty-two taxes suggested by the Governor, together with a transfer of a portion of the Motor License Fund, will yield this necessary sum.

These five sources of revenue are as follows:

(a)	A 5 mills capital stock tax on manufacturing corporations, estimated by the Governor to yield	$17,500,000.
(b)	A 2 mills increase in the personal property tax to be collected by the counties and transferred to the State, estimated by the Governor to yield	17,500,000.
(c)	A 6% tax on the net income of corporations, estimated by the Governor to yield	12,500,000.
(d)	A documentary stamp tax at the rate of 5 cents per $100.00, estimated to yield	2,500,000.
(e)	A transfer, temporary, if not permanent, from the Motor License Fund of	25,000,000.
	Total	$75,000,000.

Objection has been made to the diversion from the Motor Fund on the ground that it is sacred since it has been collected from motorists and should be returned to them in the form of highways. This, of course, is no argument to the citizens of Philadelphia who, during the twelve year period ending 1933, contributed $81,000,000 out of a total of $540,000,000 collected by the State, and who only received during that period in return from the State the sum of $7,900,000. In addition, the argument that these funds are sacred to roadbuilding falls when we consider that millions have contributed to this fund from taxes levied on gasoline used in machines which have never used or seen a State Highway, like stationery engines, railroad gasoline engines and tractors. Certainly, no cry of sacredness should be made at this crisis where there has already been diversion on three prior occasions. It has also been said that diversion will result in the withholding by the Federal Government of the road building funds heretofore contributed by it. The records show, however, that there is on file with State Department of Highways, a communication made on the occasion of the last diversion to the effect that if the transfer act carries with it a provision for repayment at some future date, Federal funds will not be withheld.

These statements represent my honest convictions, after careful deliberation. The suggestion made may not solve the problem with certainty; but of this I am convinced: that the situation is of such paramount importance that it demands prompt consideration and action freed from political atmosphere.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 813 (Senate Bill No. 1116), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertinent to the assessment and registration of voters in cities other than first and second class and repealing existing acts relating thereto" by changing such compensation

Which was committed to the Committee on Elections.

House Bill No. 1286 (Senate Bill No. 1117), entitled:

An Act to amend sections ten, twelve and fourteen of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by changing the procedure on appeal from decision of the Board, granting rights of intervention in cases pending before the Board; providing for method of

enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the composition and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health.

Which was committed to the Committee on Public Health.

House Bill No. 1628 (Senate Bill No. 1118), entitled:

An Act validating certain proceedings and elections of municipilities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "Municipal Indebtedness Law," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuant of such proceedings and elections.

Which was committed to the Committee on Municipal Government.

House Bill No. 1841 (Senate Bill No. 1119), entitled:

An Act to amend section twenty-five of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "Voting Machine Law," by reducing the number of days the machines must be locked following a fall primary.

Which was committed to the Committee on Elections.

House Bill No. 1842 (Senate Bill No. 1120), entitled:

An Act to amend section fourteen of the act approved the twelfth day of July, one thousand nine hundred and thirteen, (P. L. 719), entitled "Uniform Primary Election Law," as amended; by limiting the time in which final computation of the returns must be made following any fall primary.

Which was committed to the Committee on Elections.

House Bill No. 1907 (Senate Bill No. 1121), entitled:

An Act to further amend section eleven of the act approved the second day of June, one thousand nine hundred fifteen, (P. L. 762), entitled "State Workmen's Insurance Fund Law," by eliminating the provision making the fund available for payment to the Treasury Department of the cost of making disbursements out of the fund.

Which was committed to the Committee on State Government.

House Bill No. 2097 (Senate Bill No. 1122), entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent, assignees, executors, administrators, receivers, trustees, removal, closing-out, sale of goods damaged by fire, smoke or water, and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same.

Which was committed to the Committee on Judiciary General.

House Bill No. 2117 (Senate Bill No. 1123), entitled:

An Act to amend section two hundred and fifty-four of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 2134 (Senate Bill No. 1124), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

Which was committed to the Committee on Banking.

House Bill No. 2175 (Senate Bill No. 1125), entitled:

An Act to amend section one of the act, approved the twenty-ninth day of May, one thousand nine hundred and seventeen (P. L. 322), entitled "An act too give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles or terrapin out of season.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 2225 (Senate Bill No. 1126), entitled:

An Act to amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," as amended, by further regulating the affairs of boroughs, and revising, amending and changing the law relating thereto.

Which was committed to the Committee on Municipal Government.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1815

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 29, 1935.

Resolved (if the Senate concur), That House Bill No. 1815, Printer's number 554, entitled:

An Act to amend section five of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," providing that dishes, glasses, and other receptacles used in eating and drinking may be cleansed with any suitable cleansing materials.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

AMENDMENT TO HOUSE BILL NO. 755 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 775, entitled:

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amndment having been printed as required by the Constitution, were twice read as follows:

Amend section 1 page 1 line 7 by inserting after the article "the" and before the word "addition" the word "intentional;" also line 11 by striking out the following "other than that naturally contained therein" and inserting in lieu thereof the following "intentionally or deliberately added;" also section 4 page 2 line 22 by inserting after the word "added" the word "intentionally"

On the question

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Owlett,	Rupp,
Batchelor,	Harris,	Pierson,	Shapiro,
Baumer,	Homsher,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Woodward,
Frey,	McGinnis,	Rodgers,	Ziesenheim,
Gelder,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth which was read as follows: and referred to the Committee on Finance:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

Newspaper Information
Release 9:00 P. M.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

I beg to transmit a letter received today from Federal Emergency Relief Administrator Harry L. Hopkins. The letter follows:

"April 26, 1935

"My Dear Governor:

"I wish to repeat that the Federal Emergency Relief Administration intends to make no further contributions for unemployed relief for the State of Pennsylvania unless and until the State contributes $5,000,000 a month towards the total cost of relief in the State.

"As I have stated to you before, this seems to me to be a reasonable amount which Pennsylvania should contribute towards this problem, and it in no way exceeds the amounts and percentages contributed by other states of similar economic status.

"We should be glad to make our funds available at once, if and when Pennsylvania acts.

Very sincerely yours,
HARRY L. HOPKINS,
Administrator."

The Federal Emergency Relief Administrator's letter constitutes formal notice that Pennsylvania must contribute $5,000,000 a month for unemployment relief before any Federal aid is given.

Inasmuch as present unemployment relief funds will be entirely expended on May 15, I again call your attention to the urgency of the crisis which confronts this Commonwealth, and earnestly request your expeditious action in this situation, to the end that we may avert a complete breakdown of unemployment relief on May 15, with resultant inevitable hardship amounting to catastrophe to our 1,750,000 unemployed needy.

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

JUSTICES OF THE PEACE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with the law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Harry B. Barnes, of Hopwood, Fayette County, as Justice of the Peace in the Township of North Union, Fayette County, vice William Q. Maust, deceased, until the first Monday in January, 1936.

Merrill R. McEntire, of Reynoldsville, Jefferson County, as Justice of the Peace in the Borough of Reynoldsville, Jefferson County, vice Perry B. Love, resigned, until the first Monday in January, 1936.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Offie, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

PHILADELPHIA COUNTY

Miss L. M. Miller, Philadelphia, May 4, 1935.

NORTHAMPTON COUNTY

James W. Johnson, Pen Argyl, May 6, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

DAUPHIN COUNTY

Miss Anna M. Collins, Harrisburg, May 25, 1935.

PHILADELPHIA COUNTY

Miss Blanche Salmons, Philadelphia, May 27, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public; for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Ira R. Hill, 3222 Grant Bldg., Pittsburgh.
Miss Mary A. Pontis, 14th and Wood Sts., Pittsburgh.
William H. Thomas, Etna.

BERKS COUNTY

Mrs. Grace I. Webber, Rehrersburg.

GREENE COUNTY

Chas. H. Church, Rogersville.

PHILADELPHIA COUNTY

Miss Marian Ward, 2801 Hunting Park Ave., Philadelphia.

WAYNE COUNTY

F. Carroll Krautter, Newfoundland.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Sue Abercrombie, Verona.
David J. Ryan, Grant St., Pittsburgh.

DAUPHIN COUNTY

Miss Mary E. Fenical, Harrisburg.

LEHIGH COUNTY

Sam E. Walters, Allentown.

MERCER COUNTY

Jack W. First, Mercer.

PHILADELPHIA COUNTY

John E. Green, 12th and Market Sts., Philadelphia.
P. J. Merrigan, 5316 Kingessing Ave., Philadelphia.
Randall A. Snyder, Cunard Bldg., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for re-appointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

WASHINGTON COUNTY

Miss Edith M. Cowan, Monongahela, April 29, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

James R. Fulton, Carnegie.
Fred J. Schucha, Pitcairn.
James Shaughnessy, 535 Court House, Pittsburgh.
N. A. Spielmeyer, 12 Eighth St., Pittsburgh.

DELAWARE COUNTY

Stillman A. Darrel, Upper Darby.
Mrs. Alice M. Plotts, Media.

ERIE COUNTY

Mrs. Pauline Hayes, Girard.

LACKAWANNA COUNTY

John Dano, Scranton.
Frank J. Kirst, Scranton.

LAWRENCE COUNTY

Mrs. Thelma I. Clausen, Ellwood City.

LEBANON COUNTY

Aaron C. Stager, Lebanon.

VENANGO COUNTY

Fred W. Richardson, Oil City.

WASHINGTON COUNTY

Miss Matilda Langenbacher, Washington.
B. E. York, Washington.

WYOMING COUNTY

Miss Elizabeth Steele, Tunkhannock.

YORK COUNTY

Walter H. L. Spangler, York.

GEORGE H. EARLE.

The PRESIDENT. The nominations are referred to the Committee on Executive Nominations.

APPROVAL OF SENATE BILL NO. 561

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 561, Printer's No. 172, entitled "An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 152

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 23, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 152, Printer's No. 268, entitled, "An Act authorizing the exoneration of taxes assessed or levied against any property purchased for hospital uses upon which contemplated and intended hospital buildings cannot be erected by reason of a portion of the property having been taken for municipal purposes."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 41

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 25, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 41, Printer's No. 254, entitled, "An Act to amend section six of the act approved the eighteenth day of June one thousand nine hundred and twenty-three (P. L. eight hundred forty) entitled 'An act concerning declaratory judgments and decrees and to make uniform the law relating thereto' further defining the circumstances under which the remedy provided is available."

GEORGE H. EARLE.

APPROVAL OF SENATE BILLS NOS. 840, 841, 842 and 843

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 24, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 840, Printer's No. 271, entitled, "An Act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money."

Senate Bill No. 841, Printer's No. 272, entitled, "An Act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money."

Senate Bill No. 842, Printer's No. 273, entitled, "An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money."

Senate Bill No. 843, Printer's No. 274, entitled, "An Act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money."

GEORGE H. EARLE.

APPROVAL OF SENATE BILLS NOS. 87, 223 AND 242

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 87, Printer's No. 10, entitled, "An Act to further amend clause (a) of section six and sections ten and eleven of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled 'An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof' by increasing the jurisdiction of the court in civil actions to twenty-five hundred dollars by increasing to twenty-five hundred dollars the maximum limit of set-off required to be pleaded by defendants by permitting verdicts and judgments rendered after trial before a judge without a jury to be made liens upon real estate by changing the effect of appeals from the county court upon judgments of that court by regulating executions issued by the court of common pleas upon transcribed judgments of the county court rendered after trial before a judge without a jury and by providing a continuous system for the filing and docketing in the common pleas court of transcripts from the docket of the county court in any case."

Senate Bill No. 223, Printer's No. 101, entitled, "An Act to establish jurisdiction in cases of kidnapping and murder perpetrated in kidnapping."

Senate Bill No. 242, Printer's No. 278, entitled, "An Act to amend sections four and fifteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 208) entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity' as amended changing the qualifications of applicants for examination and registration and changing violations of the act from misdemeanors to summary proceedings."

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 256

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 256, Printer's No. 141, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

Mr. THOMPSON (Centre). Mr. President, I move to reconsider the vote by which Senate Bill No. 256, passed finally.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON (Centre). Mr. President, I voted "aye."

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. THOMPSON (Centre). Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON (Centre). Mr. President, I voted "aye."

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to amend section 2, page 2, line 20 by striking out at the end of the line after the word "directed" the following: "[or by the sheriff]"

Amend section 2, page 2 by striking out line 21. Amend section 2, page 2, line 22 by striking out at the beginning of the line before the word "upon" the following: "[poses by the officer to whom the service is directed]" Amend section 2, page 2, line 24 by striking out after the word "by" and before the word "at" the following: "[leaving at the office of said secretary]" and inserting in lieu thereof the following: "sending by registered mail postage prepaid" Amend section 2, page 3, line 2 by striking out after the word "return" and before the word "of" the word: "[receipt]" and inserting in lieu thereof the following: "receipts of the Secretary of Revenue and" Amend section 4, page 3, line 13 by striking out after the word "become" and before the word "or" the word: "[residents]" and inserting in lieu thereof the word: "nonresidents"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON (Centre). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON (Centre). Mr. President for the first time since this Session opened on the 15th of January, the Republican membership in the Senate, which last week Senator George Reed compared to the Spartans at Thermopylae, has definitely shown its hand. The attack upon the Relief system in Pennsylvania and the Senate's partisan treatment of tax measures have brought about this disclosure.

Relief in Pennsylvania has had an interesting history from the standpoint of the State Senate. In 1932, the first Talbot Act was passed, appropriating ten million dollars for direct relief. Twenty-eight Spartans of this Senate who were in that Session fell all over themselves to pass this act. The Act provided that local Poor Districts should have the distribution of ten million dollars of Relief funds but specifically prohibited any of the funds from being used by the Poor Districts for administrative purposes. There is no question but that at the time the first Talbot Act was passed, everyone who had anything to do with its passage knew that Relief was not a transient problem which the appropriation of ten million dollars would solve, but this ten million dollar trial balloon was put up and the distributors of this Relief were prohibited from setting up an organization such as was really necessary to take care of Relief distribution. In other words, Mr. President, the whole purpose of the Talbot Relief Act was to discredit the operation of local Poor Districts in order that the Relief structure might eventually be placed in the hands of a centralized organization amenable to political influences.

The distribution of Relief had hardly begun until it was apparent that centralizing influences were definitely at work and more and more the functions of the State Emergency Relief Board and its Executive Director encroached upon the affairs of the local Poor Districts. After the first Talbot moneys were expended, the Department of Welfare was not slothful in getting out damning reports, a few of which had a factual basis, concerning the inefficiency of local Poor Districts in the distribution of direct Relief and we embarked on an era of centralization of Relief activities. Eric Biddle, the State's champion peanut-eater, became the willing tool of Mr. and Mrs. Pinchot.

In 1933 the Legislature was again regularly in session, but were any of the 28 self-styled Spartans who now sit in this body active in promoting the decentralization of Relief administration? No; not a single voice was raised. Then in the Winter of 1933 and 1934, we had a long Special Session. The Federal Government was beginning to put Relief funds into the State of Pennsylvania in substantial amounts; the C. W. A. program was under way and all the available office space in Harrisburg was being utilized to provide accommodations for the growing central Relief agency. Did any of those 28 Spartans raise his voice against this growing Frankenstein? Not anyone of them was heard from this Senate floor but the whole matter was left in the hands of Old Handlebars and his lackey, the Peanut-Eater.

In September of 1934, we had another Special Session when the raid on special funds began. In September, 1934, did we hear any voice of the 28 Spartans in this body raised against the growing Frankenstein? Not a voice was raised because they felt that this organization, together with other centralized bureaus, would help the faithful on to victory in the Fall elections. Pinchot was out, but on the bandwagon. He was a problem that would not have to be wrestled with in 1935 and this agency could be bent to the will of the Old Guard, who were to come into their glory after the first of the year. Not only was no voice raised against this ever-increasing centralization of Relief activities, but local Government itself was attacked in the Special Session when the funds upon which many of our municipal subdivisions depended, were arbitrarily taken and used to feed the monster. Where were the Spartans all this time? Twenty-eight of them were right here in these very seats, cheering an institution which is now being damned so loudly.

Contrasted with the events of the last two years, the events of the past few weeks present an interesting picture. This present session of the Legislature had hardly opened until legislation was introduced by the Spartans to kill their own baby. The bill lay in committee for weeks, came out on the calendar, went back in committee and two weeks ago came out again on the calendar for its final plunge. In the meantime, the brain-child of Dr. Woodward appeared, sounder in principle, but dressed up as impossibly as its contemporary bill.

Where was the Batchelor Bill in the regular Session of 1933? Where was the Batchelor Bill in the Special Session of 1933 and 1934? Where was the Batchelor Bill in the Special Session last fall when the plundering of special funds started? The Batchelor Bill was a foundling in those sessions. It is entirely conceivable that if local Poor Districts had been permitted an adequate administrative force, they would have risen to the occasion of Relief necessities; but no, they are not accorded a penny of funds for administrative expense. No one wanted that in 1933 and 1934 because the Spartans and the Peanut-Eater were beginning to see through the same glasses. Now, in a year when every Board of County Commissioners in the Commonwealth is up for election,

and nearly all of the Poor Directors, they are regarded by the Spartans as their forlorn hope. In a year when everyone is campaigning and must of necessity sacrifice time from his official duties, these same people must then have passed to them this overgrown baby, nurtured by the 28 Spartans.

Not so fortunate was the Woodward Bill. When an attempt was made to dress this Bill up in businesslike raiment, of course, such attempt was deemed unsound in principle and amendments to the Bill were rejected.

There is not a man in this body who would not concede the principle that Relief distribution must be decentralized. We all know that the present Executive Director is a weak sister. But likewise we all know that the principal cause of his weakness is the group of fawning political sycophants and professional spenders which he has inherited from the organization established under the Spartan system. When an earnest sentiment develops to remedy the situation, the Spartans say we must have a wholly impractical system. We must either adopt a plan which is condemned to failure from the outset or we must take one dressed up in unbusinesslike attire.

No, Mr. President, we come to the point where the cat in this situation comes out of the bag. For two years the Spartans had looked forward to destroying or controlling the Frankenstein, the creation of which they permitted. For what purpose?

Last week we listened for 35 minutes to one of the most studied addresses that has been made from the floor of the Senate this session and when it was all boiled down, what did it mean? It was a plea that the people of this country have been listening to since the days of Alexander Hamilton: "Protect our infant industries." And how, Mr. President, were these infant industries to be protected? By no more remarkable method than following the example of the Japanese nation. Socially, we must decline to the standard of living of the Japanese workingman. We must, once and for all, give up an American standard of living so these infant industries may say to Imperial Japan: "We are following in your footsteps."

Do you see the cat coming out of the bag? The cat is this: Now that the Spartans are frustrated in their attempt to control or destroy Relief Administration along the lines they had planned for two years, there must be no adequate Relief distribution. The Batchelor Bill cannot pass and they know it and the Woodward Bill must not be dressed up in attire which will make it suitable to the public eye. What the Spartans want, Mr. President, for the protection of Pennsylvania's infant industries is to throw into the open market of frantic labor competition, 500,000 Pennsylvania workingmen now either working on Relief labor projects or procuring some sort of subsistence from Relief distribution, even as corrupt as it has become. Their attack, Mr. President, is not upon Relief distribution but the attack is upon every man working for a living in the State of Pennsylvania. They want to see these men fighting and scrambling and underbidding each other for the work that only through the goodness of their principals would be available. They want to see the standard of living of the American workingman placed upon a good, old-fashioned Oriental basis.

Mr. President, we see now why tax bills will not come out of committee. We see now why unanimity on a sensible Relief system cannot be established, when all the good-thinking people of the State demand it of our Legislature. We see now why Pennsylvania must not vote on a new Constitution this Spring, since we all know that any Constitutional revision must include a businesslike readjustment of the State's borrowing capacity which would enable Pennsylvania to take advantage of the Federal Works Program which it has been unable to do heretofore. No, we must have a large class of permanent unemployed which can be used as the shock troops in this attack upon the American standard of wages. We must have in Pennsylvania a permanent class of industrial Helots.

After Leonidas and his 300 Spartans so nobly defended the pass at Thermopylae, for centuries there stood a monument at the scene of the battle. The monument bore this inscription: "Stranger, go tell the Spartans we lie here in obedience to their laws." Mr. President, I venture the assertion that over the political graves of the modern Spartans will be inscribed another legend: "Stranger, go tell Mr. Grundy, Mr. Mellon and Mr. Pew that we lie here in obedience to their commands."

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 70 FOR THE PURPOSE OF AMENDMENT

Mr. HARRIS. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS offered the following resolution, which was twice read, considered and agreed to:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 70, Printer's No. 145, entitled, "An act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549), entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act' by provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. OWLETT, from the Committee on Constiutional Changes reported as amended, Senate Bill No. 150 (House Bill No. 147), entitled:

An Act relating to the preparation of a new or revised Constitution of the Commonwealth by convention and its adoption or rejection by the people providing for the nominating of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

Mr. STAUDENMEIER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 759 (House Bill No. 371), entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor.

Also from the Committee on Judiciary General, reported as committed, Senate Bill No. 338 (House Bill No. 354), entitled:

An Act requiring certain officers to be paid by the Commonwealth or its political subdivisions prohibiting certain contracts and agreements for the payment of their compensation or for the repayment or reimbursement thereof by any person copartnership association or corporation and fixing penalties

Also from the Committee on Judiciary General reported as committed, Senate Bill No. 421 (House Bill No. 355), entitled:

An Act to amend the act approved the thirteenth day of May one thousand nine hundred fifteen (Pamphlet Laws two hundred eighty-six) entitled "An act to provide for the health safety and welfare of minors by forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" as amended by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring such certificates for minors under eighteen imposing on school districts the duty to issue such certificates further requiring schedules of the hours of employment to be posted and repealing certain sections.

BILLS RECOMMITTED

Mr. STAUDENMEIER. Mr. President, I move that Senate Bill No. 759 (House Bill No. 371), just reported from Committee on Judiciary Special, be recommitted to the Committee on Labor and Industry.

Mr. NORTON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STAUDENMEIER. Mr. President, Senate Bill No. 759 (House Bill No. 371), Senate Bill No. 338 (House Bill No. 354), and Senate Bill No. 421 (House Bill No. 355), were reported for the purpose of having them recommitted to the Committee on Labor and Industry, there being a public hearing tomorrow evening on two bills that are similar in nature, and the other bill is similar to a series of bills that are now in the Committee on Labor and Industry, and the Committee on Judiciary Special figured that they should all be considered together.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

Mr. STAUDENMEIER. Mr. President, I move that Senate Bill No. 338 (House Bill No. 354), just reported from the Committee on Judiciary Special, be recommitted to the Committee on Labor and Industry.

Mr. NORTON. Mr. President, I second the motion.

The motion was agreed to.

Mr. STAUDENMEIER. Mr. President, I move that Senate Bill No. 421 (House Bill No. 355), just reported from the Committee on Judiciary Special, be recommitted to the Committee on Labor and Industry.

Mr. NORTON. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. CLARK, from the Committee on Appropriations, reported as committed, Senate Bill No. 293, entitled:

An Act making an appropriation to the Curtis Clinic, Out-Patient Department of the Jefferson Medical College Hospital of Philadelphia, Pennsylvania, for maintenance.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 294, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 295, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

Also from the Committee on Appropriations, reported as amended, Senate Bill No. 860 (House Bill No. 1594), entitled:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts. P. 169) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five and for deficiencies to the legislative department for the legislative session of one thousand nine hundred and thirty-five.

BILLS INTRODUCED

Mr. NORTON read in his place and presented to the Chair, Senate Bill No. 1127, entitled:

An Act to create a board of chiropractic examiners, defining its powers and duties; regulating the practice of chiropractic; providing for licensing chiropractors; providing penalties for violation of this act; prohbiting the practice of any other mode or system under the name of chiropractic; and repealing all laws or parts of laws in conflict therewith.

Which was committed to the Committee on Public Health.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 1128, entitled:

An Act to protect the owners of mortgaged property by limiting the amount of deficiency judgments.

Which was committed to the Committee on Judiciary General.

Mr. OWLETT read in his place and presented to the Chair, Senate Bill No. 1129, entitled:

An Act declaring and adopting the song "Old Pennsylvania of Mine" as the State song of Pennsylvania.

Which was committed to the Committee on State Government.

Mr. CHAPMAN read in his place and presented to the Chair, Senate Bill No. 1130, entitled:

An Act prohibiting the waste of petroleum and of the petroleum resorces of this Commonwealth; protecting the correlative rights of oil operators therein, owning holdings in the same oil pool; preventing unfair practices and prohibiting unnecessary drilling of wells when necessary to prevent waste; creating a commission to effect these purposes, and defining its powers; authorizing agreements for unit or other cooperative plans for the development and operation of single oil pools and for cooperative marketing, appropriating money for the purposes of this act, providing for injunctions and other court process to enforce this act; providing penalties for the violation of this act; authorizing a compact with other States for the furtherance of said objectives and prescribing the terms of said compact.

Which was committed to the Committee on Mines and Mining.

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 1131, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1132, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1133, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1134, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1135, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and mak-

ing an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 1136, entitled:

An Act to amend section two of and to add section sixteen and one-tenth to, the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by requiring returns to be made whether or not there is property to return; prescibing penalties for failure to make returns; providing that no recorded obligation shall be satisfied of record until the tax thereon has been paid; making the custodian of such records liable for the amount of the tax for failure to comply; and authorizing obligors to pay the tax in certain cases.

Which was committed to the Committee on Judiciary General.

Mr. REED (Dauphin) read in his place and presented to the Chair, Senate Bill No. 1137, entitled:

An Act to amend section nine hundred and eleven of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising consolidating and changing the law relating thereto," defining the liability of tax collectors for refusal or neglect to send tax notices to taxables.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 1138, entitled:

An Act to amend section one thousand one hundred and six of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing that the authorities of cities, boroughs, towns and townships of the first class may adopt and enforce parking ordinances effecting the entire city, borough, town or township, if signs are erected at the main entrances thereof, giving notice of such ordinances.

Which was committed to the Committee on Highways.

Mr. BUCKMAN read in his place and presented to the Chair, Senate Bill No. 1139. entitled:

An Act to amend section four hundred and twelve of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by changing the term of the township assessor.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 1140, entitled:

An Act to amend section one of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," by limiting the time within which applications therefor may be made.

Which was committed to the Committee on County Government.

Mr. PYTKO read in his place and presented to the Chair, Senate Bill No. 1141, entitled:

An Act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except saving-funds, saving institutions, and savings banks, subject to the provisions of an act, entitled "An act relating to unclaimed deposits in savings banks and transfer of stock," approved the seventeenth day of April, Anno Domini one thousand eight hundred seventy-two (P. L. page 62), and except also building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in the custody of any officer of such court; and for the or in any Federal court in and held for any district within the Commonwealth, escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another.

Which was committed to the Committee on Finance.

Mr. McCREESH read in his place and presented to the Chair, Senate Bill No. 1142, entitled:

An Act providing for the establishment in counties of the first class of different rates of taxation on land and the improvements thereon, by means of separate assessments of land values and the values of improvements on or in the land, and a sliding scale for apportioning the percentages of the total amount of revenue from taxes upon real property to be borne by unimproved land and improvements on or in the land from the year one thousand nine hundred and thirty-seven to the year one thousand nine hundred and forty-eight and thereafter.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair, Senate Bill No. 1143, entitled:

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week, except in emergency cases.

Which was committed to the Committee on Municipal Government.

Mr. RODGERS read in his place and presented to the Chair, Senate Bill No. 1144, entitled:

An Act to repeal the act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 992), entitled "An act prohibiting cities, boroughs, towns, and townships to increase or diminish the salary, compensation or emoluments of elected officers after their election," so far as the same relates to boroughs.

Which was committed to the Committee on Municipal Government.

Mr. McGINNIS read in his place and presented to the Chair, Senate Bill No. 1145, entitled:

An Act to amend section one of the act approved the ninth day of April, one thousand eight hundred and forty-nine (P. L. 533), entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent," declaring persons incapable of waiving their right to an exemption.

Which was committed to the Committee on Judiciary General.

Mr. KAHLE read in his place and presented to the Chair, Senate Bill No. 1146, entitled:

An Act to amend route 24002 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act as amended.

Which was committed to the Committee on Highways.

Mr. LAW read in his place and presented to the Chair, Senate Bill No. 1147, entitled:

An Act to amend sub-heading (a) of Article XXXII of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the collection of taxes by assumpsit.

Which was committed to the Committee on Municipal Government.

TIME OF NEXT MEETING

Mr. SHAPIRO offered the following resolution, which was twice read, considered and agreed to:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 6th, at nine o'clock, Eastern Standard Time; and that when the House of Representatives adjourns this week it reconvene Monday evening, May 6th, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION RELATIVE TO THE APPOINTMENT OF COMMITTEE TO DRAFT RESOLUTIONS ON THE DEATH OF HONORABLE JAMES S. BOYD.

Mr. BEAN offered the following resolution, which was twice read, considered and agreed to:

In the Senate, April 29, 1935.

Resolved, That a committee of five members of the Senate be appointed to draft suitable resolutions on the death of the late Senator James S. Boyd, who died March thirteenth, one thousand nine hundred and thirty-five, and present said resolutions at a special meeting to be held on Wednesday afternoon, May eighth, at two thirty o'clock.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 631

Mr. KAHLE offered the following resolution, which was twice read, considered and agreed to:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 631, Printer's No. 259, entitled "An act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (P. L. 1195), entitled 'An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof' changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 144, entitled:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GRAFF. Mr. President, I ask unanimous consent that Senate Bill No. 165, on third reading, entitled:

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals revising consolidating and changing the law relating thereto" as amended by providing for the revocation and denial of hunting licenses for certain acts

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 179, entitled:

An Act to amend clause (A), section two of an act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rent, leases, extinguishment of ground rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not yet been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual, or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refused to act, unreasonably withhold consent, or be absent and unheard of: where there has been or shall be a defective appointment in any deed or will, and the necessary powers is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," as amended by an act, approved the second day of May, one thousand nine hundred and nineteen (P. L. 111), extending the provisions of said act to cases where real estate is held by the surviving tenant of an estate by entireties, whose spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 249, entitled:

An Act to further amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (P. L. 88), entitled, "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" providing that no affidavit of defense shall be required before the return day of the writ.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, I find that this bill contains many printer's errors, and I ask unanimous consent to amend Section 1, page 2, line 5, by striking out the words "replevied he may proceed to recover" and inserting in lieu thereof the following: "and in event of his failure so to"; also page 2, lines 23 and 13, by striking out the words "by writ of retorno habendo or property" and inserting in lieu thereof the following: "as may be admitted to be the property"; also page 2, line 18, by striking out the words "and in event of his failure so to"; also page 2, line 19, by striking out the entire said line, and inserting in lieu thereof the folowing: "replevied he may proceed to recover such goods and chattels by writ of retorno habendo or"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 263 (House Bill No. 195), entitled:

An Act to further amend section seven hundred four of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359), entitled, "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the use of dogs in hunting bear or the chasing of bear by dogs.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Ealy,	McCreesh,	Rodgers,	Ziesenheim,
Frey,	McGinnis,		
Gelder,	Miller,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 300, entitled:

An Act providing that parties furnishing material supplies fixtures or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics' liens therefor

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Ealy,	McCreesh,	Rodgers,	Ziesenheim,
Frey,	McGinnis,		
Gelder,	Miller,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 408 (House Bill No. 852), entitled:

An Act to amend section ninety-eight of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the purchase sale and exposing for sale of certain pike and fillets thereof

And said bill having been read at length the third time, and agreed to,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Ealy,	McCreesh,	Rodgers,	Ziesenheim,
Frey,	McGinnis,		
Gelder,	Miller,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 440, entitled:

An Act establishing as State highways subject to certain restrictions all existing township roads in townships of the second class which have not heretofore been established as State highways and providing for their maintenance and repair and for the vacation of certain of said roads.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. BUCKMAN. Mr. President. I move that the question together with the further consideration of the bill be postponed for the present.

Mr. GELDER. Mr. President. I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 563, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 591 (House Bill No. 927), entitled:

An Act to preserve the purity of the waters of the Commonwealth and to avoid the danger of fire by requiring the owners operators and lessees of abandoned bituminous coal mines and working to seal the entries and air shafts thereof and conferring powers upon the Department of Mines to carry into effect the provisions of this act

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Huffman,	Pierson,	Salus,
Batchelor,	Hunsicker,	Prince,	Shapiro,
Bean,	Kahle,	Pytko,	Sones,
Bennett,	Lanius,	Rankin,	Sordoni,
Cavalcante,	Law,	Reed,	Staudenmeier,
Chapman,	Mallery,	(Dauphin)	Thompson,
Ealy,	McClure,	Reed,	(Centre)
Frey,	McCreesh,	(Washington)	Thompson,
Gelder,	McGinnis,	Rice,	(Westmoreland)
Graff,	Miller,	Roberts,	Trainer,
Harris,	Norton,	Rodgers,	Woodward,
Harvey,	Owlett,	Rupp,	Ziesenheim,
Homsher,			

NAYS—2

Baumer, Clark,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

REPORTS OF COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 491, entitled:

An Act making an appropriation to the Saint John's General Hospital, of Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 492, entitled:

An Act making an appropriation to the Presbyterian Hospital, of Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed or as amended, Senate Bill No. 734, entitled:

An Act making an appropriation to the Allegheny General Hospital, Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 809, entitled:

An Act making an appropriation to the Children's Home Society of Pennsylvania.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 603, entitled:

An Act to amend section six of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 857), entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections, and their enrollment as members of political parties as a further condition of their right to vote at primaries, in cities of the first class of this Commonwealth, by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein; defining the jurisdiction of said commissions, and the powers and duties of the commissioners constituting same, and of their appointees, including registrars, inspectors of registration, clerks, and counsel, fixing their qualifications, terms of office, and compensation; granting them certain immunity from arrest on registration days; and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence, as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof, to copy or demand a list of the lodgers therein, and to supervise the conduct of registrars; regulating the registration of electors at polling places by registrars, and at the offices of commissions by commissioners, and the right of parties or bodies of electors to have watchers thereat, and the preparation and use of street lists and other records of those registered, allowing the names of persons not entitled to vote to be struck from the registers in certain cases, permitting all records regarding registration to be inspected and copied by any elector under certain conditions; directing how the registers shall be used at elec-

tions and primaries; compelling the attendance of witnesses and payment of witness fees; and providing penalties for refusal to obey subpoenas; directing receivers to taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths, sign subpoenas and vouchers, and to collect and disburse witness fees; prescribing a method for challenging persons applying for registration, and the procedure for the correction of registers, and for appealing from actions of registrars to said commissions; and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas; imposing certain duties upon election officers and upon the councils, treasurers, controllers, receivers of taxes, police officers, and other officials of said cities and upon the courts, judges, prothonotaries, sheriffs, commissioners, peace officers, and other officials of the judicial districts and counties in which said cities are situated of with which they are coextensive; legalizing certain acts required hereby if done on any Sunday or legal holiday; requiring said cities to provide for the maintenance of said commissions, and the compensation of their appointees, and the payment of all expenses necessary to carry out the provisions of this act, and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions; punishing and fixing penalties for violations hereof; and repealing all legislation inconsistent herewith," changing the qualifications of persons to be appointed as registrars.

And said bill having been read at length the third time,

On the question,

Will the Senate agreee to the bill?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to amend section 1, page 6, line 1, by striking out the word "hereinafter" the following: "herein"; also page 6, line 21, by striking out the word "the" the following: "any"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 610, entitled:

An Act to carry into effect section eleven of article one of the Constitution of the Commonwealth of Pennsylvania by designating the manner the courts and the cases in which suits may be brought against the Commonwealth defining the procedure in such cases and providing for the payment of judgment interest and cost by the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 735, entitled:

An Act to amend sections nine and fifteen of the act, approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," reducing the amount required to be paid by the person redeeming lands sold at tax sale.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 736, entitled:

An Act to amend section four of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 177) entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes and for other purposes'" by reducing the amount required to be paid by the person redeeming unseated lands sold at tax sale

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 737, entitled:

An Act to amend section one of the act approved the third day of April one thousand eight hundred and sixty-two (P. L. 228) entitled "An act supplementary to the several acts of this Commonwealth for the sale of unseated lands" by reducing the amount required to be paid by the person redeeming such lands under certain circumstances

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 738, entitled:

An Act to amend section three of the act approve the ninth day of March one thousand eight hundred and forty-seven (Pamphlet Laws two hundred seventy-nine) entitled "An act supplementary to acts relating to recording of deeds" by reducing the amount required to be paid by joint tenants tenants in common or co-partners of unseated lands in redeeming such lands sold at tax sale

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 743 (House Bill No. 885), entitled:

An Act to amend section one of the act approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013), entitled "An act regulating the issuance of licenses to marry: prohibiting the issuance of such licenses to certain persons; regulating the time during which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court; and prescribing the duties of the clerk of the orphans' court," by requiring three days to elapse between the application for, and the issuance of, the license.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Gelder,	McCreesh,	Sones,
Batchelor,	Graff,	McGinnis,	Sordoni,
Baumer,	Harris,	Norton,	Staudenmeier,
Bean,	Harvey,	Prince,	Thompson,
Bennett,	Huffman,	Pytko,	(Centre)
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Westmoreland)
Chapman,	Lanius,	(Dauphin)	Trainer,
Coyne,	Law	Rice,	Woodward,
Ealy,	Mallery,	Rodgers,	Ziesenheim,
Frey,	McClure,	Salus,	

NAYS—9

Clark,	Miller,	Reed,	Rupp,
Homsher,	Owlett,	(Washington)	Shapiro,
	Pierson,	Roberts,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 745 (House Bill No. 1093), entitled:

An Act to amend section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal water of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added changing the licensure year for motor boats.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—1

Miller,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 781 (House Bill No. 1236), entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imopsing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing certain exemptions from the payment of fees provided for therein.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Representatives with information that the Senate has

Ordered, That the Clerk return said bill to the House of passed the same without amendments.

BILL RECOMMITTED

Mr. MALLERY. Mr. President, I move that Senate Bill No. 792 (House Bill No. 1084) on third reading, entitled:

An Act to amend sections one and two of the supplement approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred seventy-one) entitled "A supplement to the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled 'An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' by discontinuing the necessity of securing permits for the erection of certain dams."

be recommitted to the Committee on Forests and Waters for the purpose of amendment.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 794 (House Bill No. 1383), entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 800 (House Bill No. 1151), as follows:

An Act to amend section two thousand nine hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing further exception to the tax on transient merchants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand nine hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 2901 Every township shall have power by ordinance to regulate and license each and every transient retail business within such township for the sale of goods wares and/or merchandise and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person firm or corporation desiring to commence such transient retail business and to enforce such ordinances by penalties not exceeding three hundred dollars and/or by other appropriate means The amount of any such license shall not exceed two hundred dollars for each month or fractional part thereof during which any such sale is continued

Nothing contained in this section shall be construed to apply to (1) farmers selling their own produce or (2) to the sale of goods wares and merchandise donated by the owners thereof the proceeds whereof are to be applied to any charitable or philanthropic purpose or (3) to any manufacturer or producer in the sale of bread and bakery products meat products or milk and milk products

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Aron,	Harris,	Miller,	Roberts,
Baumer,	Harvey,	Owlett,	Rodgers,
Bean,	Homsher,	Pierson,	Rupp,
Bennett,	Huffman,	Prince,	Salus,
Buckman,	Hunsicker,	Pytko,	Sones,
Cavalcante,	Kahle,	Rankin,	Sordoni,
Clark,	Lanius,	Reed,	Staudenmeier,
Coyne,	Mallery,	(Dauphin)	Trainer,
Frey,	McClure,	Reed,	Woodward,
Gelder,	McCreesh,	(Washington)	Ziesenheim,
Graff,	McGinnis,	Rice,	

NAYS—8

Batchelor,	Law,	Thompson,	Thompson,
Chapman,	Norton,	(Centre)	(Westmoreland)
Ealy,	Shapiro,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third and consideration of Senate Bill No. 801 (House Bill No. 1152), as follows:

An Act to amend section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by providing further exceptions to the tax on transient merchants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and twenty-one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred twenty-seven) is hereby further amended to read as follows

Section 2621 [Farmers and Charities Excepted] Exceptions Nothing contained in this subdivision (c) shall be construed to apply (1) to farmers selling their own produce [or] (2) to the sale of goods wares and merchandise donated by the owners thereof the proceeds whereof are to be applied to any charitable or philanthropic purpose or (3) to any manufacturer or producer in the sale of bread and bakery products meat and meat products or milk and milk products

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Homsher,	Pierson,	Rupp,
Baumer,	Huffman,	Prince,	Salus,
Bean,	Hunsicker,	Pytko,	Sones,
Bennett,	Kahle,	Rankin,	Sordoni,
Buckman,	Lanius,	Reed,	Staudenmeier,
Cavalcante,	Mallery,	(Dauphin)	Thompson,
Coyne,	McClure,	Reed,	(Westmoreland)
Frey,	McCreesh,	(Washington)	Trainer,
Gelder,	McGinnis,	Rice,	Woodward,
Harris,	Miller,	Roberts,	Ziesenheim,
Harvey,	Owlett,	Rodgers,	

NAYS—8

Batchelor,	Clark,	Graff,	Norton,
Chapman,	Ealy,	Law,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third rading and consideration of Senate Bill No. 804, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duies upon the Department of Revenue, and the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED (Washington). Mr. President, when this bill was up on third reading last week, the Senator from Schuylkill, Mr. Staudenmeier, asked that it be amended in a certain particular. I have had such an amendment prepared and I now ask unanimous consent to Amend Section 1, page 3, lines 14 to 21, by striking out with heavy-faced brackets all of said lines, and insert in lieu thereof the following: "(a) Upon receiving a certified record from the clerk of the court of proceedings in which a person pleaded guilty, entered a plea of nolo contendere or was found guilty by a jury of any one of the crimes enumerated in this section [The] the secretary shall forthwith revoke for a period of one (1) year from the date of revocation the operating privilege of any such person [upon receiving a certified record from the clerk of the court of proceedings in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of one of the following crimes], and where such person was convicted, or entered a plea of guilty or nolo contendere of any one of the crimes enumerated in clauses (1), (2) and (3) of this section, such operating privilege shall not be restored unless and until the fine and costs imposed in such cases have been fully paid:"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 870 (House Bill No. 1153), entitled:

An Act to further amend section two thousand nine hundred ten of the act aproved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to borougns" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Harvey,	Owlett,	Rodgers,
Baumer,	Homsher,	Pierson,	Rupp,
Bean,	Huffman,	Prince,	Salus,
Bennett,	Hunsicker,	Pytko,	Sones,
Buckman,	Kahle,	Rankin,	Sordoni,
Cavalcante,	Lanius,	Reed,	Staudenmeier,
Clark,	Mallery,	(Dauphin)	Thompson,
Coyne,	McClure,	Reed	(Centre)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Woodward,
Gelder,	Miller,	Roberts,	Ziesenheim,
Harris,			

NAYS—7

Batchelor,	Graff,	Norton,	Thompson
Chapman,	Law,	Shapiro,	(Westmoreland)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 876, entitled:

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 888, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 890, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 925 (House Bill No. 1807), entitled:

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Daly,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 930 (House Bill No. 1721), as follows:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" are hereby reenacted and amended as follows

An Act Relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof authorizing the board with the approval of the Governor to fix prices to be paid or charged for milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation

Whereas Unhealthful unfair unjust destructive demoralizing and economic trade practices have been and are now carried on in the production sale and distribution of milk and milk products in this Commonwealth whereby the dairy industry in the Commonwealth and the constant supply of pure milk to inhabitants of the Commonwealth are imperiled and

Whereas Such conditions constitute a menace to the health welfare and reasonable comfort of the inhabitants of the Commonwealth and

Whereas It is necessary to protect the well-being of the inhabitants of this Commonwealth to promote the public welfare and to preserve the strength and vigor of the race by declaring that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania is a business affecting the public health and affected with a public interest and

Whereas The production and distribution of milk is a paramount industry upon which the prosperity of the Commonwealth in large measure depends and

Whereas The present acute economic emergency being a part the consequence of a severe and increasing disparity between the prices of milk and other commodities which disparity has largely destroyed the purchasing power of milk producers for industrial products has broken down the orderly production and marketing of milk and has seriously impaired the agriculture assets supporting the credit structure of the Commonwealth and its local governmental subdivisions and

Whereas The danger to the pubic health and welfare is immediate and impending the necessity urgent and such as will not admit of delay or relaxation in public supervision and control in accord with proper standards of production sanitation and marketing the foregoing statements of fact policy and application of this act are hereby declared to be matters of legislative determination

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the exercise of the police power of the Commonwealth and to protect the public health and public welfare it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared to be the legislative intent that this act shall be an emergency measure enacted for the purpose of regulating and controlling the

milk industry in this Commonwealth for the protection of the health welfare and comfort of the inhabitants thereof

Section 2 Short Title This shall be known and may be cited as the "Milk Control Board Law"

Section 3 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Board" means the temporary State agency created by this act to be known as the "Milk Control Board"

"Consumer" means any person other than a milk dealer who purchases milk for fluid consumption

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof designated by the board as a natural marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk buttermilk ice cream mix powdered whole milk powdered skimmed milk and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans or containers which do not contain more than eight and one quarter (8¼) pounds or more than one hundred and thirty-two (132) fluid ounces

"Milk Dealer" means any person including any store as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agriculture association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer provided however that if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto and further provided that such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers other than stores

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk within the Commonwealth of Pennsylvania

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

B Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

C Section headings shall not be construed to affect in any manner the scope or meaning of any section of this act

D The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 4 Creation of Milk Control Board Membership Applicability of Administrative Code A There is hereby created an independent administrative board to be known as the Milk Control Board The board shall consist of three members who shall be nominated and by and with the consent of the Senate appointed by the Governor Each member shall receive a salary at the rate of six thousand dollars ($6,000) per annum

B Each member of the board at the time of his appointment and qualifications shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of one year next preceding his appointment

No member of the board during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The Governor shall designate one of the members of the board as chairman The chairman shall when present preside at all [meeting] meetings and in his absence a member designated by the chairman shall preside

Two members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least two members

C The board may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the board shall prescribe and shall receive such compensation as the board with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the board to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the board

D Except as otherwise specifically provided in this act the board and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred and twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

Section 5 General Powers of Board A The board is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power

(1) To supervise and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth provided however that nothing contained in this act shall be construed to alter amend or repeal The Public Service Company Law or any of the laws of this Commonwealth relating to the public health or to the prevention of fraud or deception

(2) To investigate as the emergency permits and regulate as the emergency requires all matters pertaining to the entire milk industry of this Commonwealth including the production manufacture processing storage transportation disposal distribution and sale of milk and milk products in this Commonwealth including the establishment of reasonable trade practices [and] systems of production control and marketing area enforcement committees in connection therewith

B The operation and effect of any provision of this act conferring a general power upon the board shall not be impaired or qualified by the granting to the board by this act of a specific power or powers

C The board either itself or through its duly authorized agent may hold such hearings either at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act

Section 6 Power of Board to Subpoena Penalty A In order to enable the board to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance of or the production of pertinent books and papers by milk dealers or their employes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the board believes to have information of importance to it in carrying out the purposes and intent of this act The board may likewise issue commissions letters rogatory or other appropriate processes outside the Commonwealth

The board shall likewise have the power to question such witnesses under oath or affirmation and to examine such books and papers

The board may delegate to any member thereof or any employe designated by it the powers granted to it under this section

B Any witness who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the board to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

C Each witness required to attend before the board or

any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County

Section 7 Rules Regulations and Orders A [The] Subject to the approval of the Governor where such approval is hereinafter expressly required the board may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law Every general rule regulation or order of the board shall be posted for public inspection in the main office of the board at least [three] six days before it shall become effective and at least four days before it shall become effective shall be mailed to all licensees affected thereby and shall be given such further publicity by advertisement in a newspaper or otherwise as the board shall deem advisable An order applying only to a particular person or persons named therein shall be served on the person or persons affected

B An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of the Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of some other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

C The posting in the main office of the board of any rule regulation or order not herein required to be served the mailing thereof as above provided and the giving of such further publicity thereto if any as the board deems advisable or the proper service of one required to be served shall constitute due and sufficient notice to all persons affected by such rule or order A rule of the board when duly posted and served as provided in this section shall have the force and effect of law The board shall upon request mail to any person any general rule or regulation of the board [It may charge a reasonable fee for such service]

Section 8 Entry and Inspection Pursuant to carrying out the purposes of this act any member of the board or any employe designated for the purpose shall have access to may may enter at all reasonable hours all places where milk or any product thereof is being produced stored bottled processed manufactured sold or otherwise handled. Any member of the board or any designated employe thereof also shall have power at all reasonable hours to inspect all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the board to administer this act The information obtained by any such inspection or by reports required by this act shall be for the confidential use of the board and the various departments of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court The board however may use such information together with other similar information for compilation and publication of statistics of the industry in this Commonwealth

Section 9 Violations Remedies A Except as otherwise specifically provided in this act any person violating any provisions of this act or any rule regulation or order of the board lawfully made shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00) and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be [subject to] sentenced to pay a fine [not exceeding one hundred dollars] of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one year or both in the discretion of the court For each day during which any such violation shall continue such person shall be deemed to have committed an additional violation

B The board or any person marketing committee or association composed of persons affected by its orders rules or regulations may institute such action at law or in equity as may appear necessary to enforce compliance with any provisions of this act or to enforce compliance with any rule regulation or order of the board made pursuant to the provisions of this act or to obtain a judicial interpretation of any of the foregoing and in addition to any other remedy may apply to the court of common pleas of Dauphin County for relief by injunction without being compelled to allege or prove that an adequate remedy at law does not exist

Section 10 Licenses to Milk Dealers Applications Grant Suspension and Revocation A Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell milk to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

B The board may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding [three] one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The board may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

C An application for a license to operate as a milk dealer shall be made [within thirty days after this act takes effect and] annually [thereafter] on or before April fifteenth by mail or otherwise to the board upon blanks prepared under authority of the board and shall be accompanied by the fee required by this act The license year shall commence May first and shall end April thirtieth following The applicant shall state the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant be a co-partnership or association the full name of each member shall be stated If the applicant be a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the board filed or served as required in this act and such other facts with respect to the license as may be required by the board pursuant to this act

D The board shall grant a license to an applicant complying with the provisions of this act and of [any] the rules and regulations issued by the board pursuant thereto The board may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer when satisfied that he has

(1) rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contact "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) without reasonable cause failed to account and make payment for any milk purchase from a producer

(3) committed any act injurious to the public health or public welfare or to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence of a course of conduct on the part of the milk dealer tending to such demoralization shall be construed to be prima facie evidence of a violation of this act

(4) made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution has been returned wholly or partly unsatisfied

(5) been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders of dairy products produced by its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) continued in a course of dealing of such nature as to satisfy the board of an intent of the milk dealer to deceive or defraud producers or consumers

(7) failed either to keep records or to furnish the statements or information required by the board

(8) made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) where the milk dealer is a partnership or corporation and any individual holding any position owning any substantial interest therein or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) where the milk dealer has violated any of the provisions of this act or any of the rules regulations or orders of the board

E The Board may hold informal hearings on five days' actual notice provided however that before refusing to grant or to reissue or before suspending or revoking or before refusing to transfer a license the board shall afford the applicant or the licensee respectively an opportunity to be heard It shall give to such applicant or licensee by registered mail sent to his last known address at least five days' actual notice of such hearing together with a statement in writing of the matters complained of after such hearing the Board shall file at its office a copy of its order and a statement in writing of the findings of fact in support of and the reasons for said order

F Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the board to such transfer is obtained but in the case of a receiver or an executor or administrator who succeeds to the business of a licensee he may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the board Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license

Applications for such transfers shall be filed with the board at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 11 License Fees A The board shall charge and collect license fees from milk dealers on a yearly basis as follows

Where a milk dealer received during any of the twelve calendar months immediately preceding the period for which the license is issued a daily average total quantity of milk

(1) not exceeding twenty pounds a license fee of one dollar

(2) exceeding twenty pounds but not exceeding one hundred pounds a license fee of three dollars

(3) exceeding one hundred pounds but not exceeding [one thousand] five hundred pounds a license fee of ten dollars

(4) exceeding [one thousand] five hundred pounds but not exceeding [two thousand five hundred] one thousand pounds a license fee of [seventeen dollars and fifty cents] fifteen dollars

(5) exceeding [two thousand five hundred] one thousand pounds but not exceeding [four] two thousand pounds a license fee of [twenty-five] thirty dollars

(6) exceeding [four] two thousand pounds but not exceeding [ten] three thousand pounds a license fee of [fifty] forty dollars

(7) exceeding [ten] three thousand pounds but not exceeding [twenty] four thousand pounds a license fee of [seventy-five] fifty dollars

(8) exceeding [twenty] four thousand pounds but not exceeding [sixty] five thousand pounds a license fee of [one hundred fifty] sixty dollars

(9) exceeding [sixty] five thousand pounds but not exceeding [one hundred thousand] seven thousand five hundred pounds a license fee of [two hundred] seventy-five dollars

(10) exceeding [one hundred thousand] seven thousand five hundred pounds but not exceeding [two hundred fifty] ten thousand pounds a license fee of [three hundred fifty] one hundred dollars

(11) exceeding [two hundred fifty] ten thousand pounds but not exceeding [five hundred] fifteen thousand pounds a license fee of [five hundred] one hundred fifty dollars

(12) exceeding [five hundred] fifteen thousand pounds but not exceeding [seven hundred fifty] twenty-five thousand pounds a license fee of [one thousand] two hundred dollars

(13) exceeding [seven hundred fifty] twenty-five thousand pounds but not exceeding [one million] fifty thousand pounds a license fee of [one thousand seven hundred fifty] three hundred dollars

(14) exceeding [one million] fifty thousand pounds but not exceeding one hundred thousand pounds a license fee of [two thousand] five hundred dollars

(15) exceeding one hundred thousand pounds but not exceeding two hundred fifty thousand pounds a license fee of one thousand dollars

(16) exceeding two hundred fifty thousand pounds but not exceeding five hundred thousand pounds a license fee of one thousand five hundred dollars

(17) exceeding five hundred thousand pounds but not exceeding seven hundred fifty thousand pounds a license fee of two thousand five hundred dollars

(18) exceeding seven hundred fifty thousand pounds but not exceeding one million pounds a license fee of three thousand five hundred dollars

(19) exceeding one million pounds a license fee of five thousand dollars

B Except as otherwise expressly provided by this act the license fees fixed by this section shall be paid before any license or any renewal thereof is issued

C The fee for a license issued on or after

(1) August first but prior to November first shall be three-fourths of the annual fee

(2) November first but prior to February first of the succeeding year shall be one-half of the annual fee

(3) February first but prior to May first shall be one-fourth of the annual fee

D Milk dealers who have not engaged in the milk business during the prior year shall pay the minimum license fee of one dollar and in addition thereto at such time or times as the board may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total

quantity of milk received by such dealer during any of such months

E Milk sold and distributed outside of this Commonwealth in any state which charges a license fee of milk dealers shall not be included in the determination of the amount of the license fee provided that such milk is actually computed in determining the amount of such license fee in such other state [Likewise milk utilized for or sold in the form of manufactured products shall not be included in the determination of the amount of the license fee but] In computing the license fee to be charged by the board the fluid milk equivalent of cream and of condensed or concentrated milk or buttermilk ice cream mix powdered whole milk skimmed milk or powdered skimmed milk sold within this Commonwealth or in any state in which it is not actually computed in the determination of the license fee of a milk dealer shall be [included] ascertained and fixed in such manner as the board shall prescribe [in computing the license fee to be charged by the board unless in the case of condensed or concentrated whole or skimmed milk it is sold in hermetically sealed cans]

F The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

Section 12 Licensee's Bonds or Securities [Exemptions] A Except as otherwise specifically provided in this act a license shall not be issued to a milk dealer purchasing milk from producers within this Commonwealth unless the milk dealer shall execute and file with the application a personal bond approved by the board Such bond shall be upon a form prescribed by the board shall be in a sum to be fixed by the board but not exceeding [by more than twenty-five per centum] the value of the maximum amount of milk purchased from producers in any one month during the preceding year [and in any event not exceeding one hundred thousand dollars shall be executed by a surety company authorized to do business in this Commonwealth] and shall be conditioned, for the payment by the licensee of all amounts due to producers under this act and the orders of the Board for milk sold by them to such licensee subsequent to the posting of such bond upon such terms and conditions as the board may prescribe

[B In lieu of the bond required of a milk dealer by this section the board may accept a collateral bond of the milk dealer secured by an actual deposit with the board or with a bank bank and trust company or national bank within the Commonwealth of money to the full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved by the board Such collateral bond shall be conditioned upon the same terms and in the same manner as is provided by this section in the case of a bond given by a surety company and the security or securities deposited therewith shall constitute a trust fund for producers from whom the licensee purchases milk]

C The board may likewise grant to any milk dealer the authority to substitute for any bond or any collateral another bond or other collateral provided that such other bond or collateral meets all the requirements of this act

[D] B A licensee shall from time to time when required by the board make and file with the board a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the board which statement shall contain the names of the producers from whom milk was purchased the amount due to producers and any other relevant facts required by the board If it shall appear from such statement or from facts otherwise ascertained by the board that the [security] personal bond afforded to producers selling milk to such licensee [by the surety bond or by the collateral bond] does not adequately protect such producers or if such licensee so elects the board may require such licensee to give [an additional] a surety or collateral bond in a sum to be determined by the board [or additional security for the collateral bond] but not exceeding by more than twenty-five per centum the value of the maximum amount of milk purchased from producers in any one month during the preceding year and in any event not exceeding one hundred thousa dollars

Likewise the board may grant a reduction or prescribe an increase of [the surety bond or the collateral] any bond if it shall appear that owing to a decrease or increase in the business of the licensee or to other causes a bond in a lesser or greater amount will protect producers selling milk to such licensee

[E] C All surety bonds and all collateral bonds together with any moneys security or securities given as collateral therefor received by the board from milk dealers pursuant to the provisions of this section shall be transmitted by the board to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the board

[F] D The licensee shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any securities deposited by such licensee with the board and by it transmitted to the State Treasury for safe-keeping in accordance with the provisions of this act Provided however That such licensee shall not be entitled to such interest or dividends if there is on file with the board a valid unpaid claim of a producer against such licensee based on milk sold by such producer to such licensee

[G] E The board may by reasonable rule or regulation provide the procedure for the payment out of the bonds or security or securities required by this section of the valid claims of producers based on sales by them of milk to the licensee who has posted the bonds or security or securities after the amount of such claims shall have been determined by the Board by formal order after hearing with due notice to all those liable on the bond Provided however That if the bond or security or securities which have been posted by a milk dealer shall be insufficient to pay in full the just claims of producers who have sold milk to such licensee the moneys available shall be divided pro rata among them

The board shall have the power in its discretion to sue on the bond on behalf of producers

[H] F A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this section and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this section

[I If satisfied from an investigation of the financial condition of any applicant for a license under this act that such milk dealer is solvent and possessed of sufficient assets reasonably to assure payment to producers from whom he purchases milk the board may by official order exempt such applicant from posting the surety bond or bond secured by collateral required by this section In such case the applicant shall post with the board his personal bond in such form to such amount not greater than the maximum fixed by this section for surety bonds and upon such conditions as shall be prescribed by the board

[The board may at any time it deems such action advisable rescind any order exempting a milk dealer from posting a surety bond or a bond secured by collateral and may require him to post such bond or bond and collateral]

[J any milk dealer is financially unable to post such surety bond or bond secured by collateral as may be required by the board pursuant to the provisions of this act he may file with the board under oath or affirmation upon a form to be prescribed by the board an application for exemption from posting such surety bond or bond secured by collateral on the ground of his financial inability to do so Attached to such application shall be the signed statement of the producers from whom the dealer purchases his milk or of any cooperative agricultural association or similar association or corporation representing such producers to the effect that such producers or such association or corporation on their behalf consent to the exemption of such milk dealer from posting such surety bond or bond secured by collateral Such

consent may be upon such special terms of payment and such other conditions as shall be agreed upon between such producers or such cooperative agricultural association or similar association or corporation on their behalf and the milk dealer and approved by the board

[The board may by official order exempt from posting a surety bond or a bond secured by collateral any dealer who has complied with the provisions of this subsection

[The board may at any time it deem such action advisable rescind any order exempting a milk dealer from posting a surety bond or a bond secured by collateral and may require him to post such bond or bond and collateral]

Section 13 Classification of Licenses The board may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer shall if he be granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon the effective date of this act

Section 14 Licenses Appeals from Board Decisions A Any person aggrieved by an order of the board fixing the price at or the terms upon which milk may be bought or sold or by any other general rule regulation or order of the board may file an appeal therefrom in the Court of Common Pleas of Dauphin County but such appeal shall not be permitted to act as a supersedeas except on special order of the Court.

B Any person aggrieved by an order of the board in which the board refuses to issue reissue or transfer or revokes or suspends a license to operate as a milk dealer or by any other order of the board applying only to a particular person or persons named therein and not otherwise specifically provided for in this section may within twenty days after the issuance of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a nonresident who has no place of business within the Commonwealth in the court of common pleas of Dauphin County No appeal filed under this subsection shall be permitted to act as a supersedeas unless a bond shall be filed in such sum and with such sureties as shall be determined by the court conditioned for the payment of costs and such sum as may be fixed by the court

C The appeal provided by this section from action of the board both in the cases of appeals to the Superior Court of Pennsylvania and appeals to the various courts of common pleas shall be by petition against the board officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioners objections to the action and decision of the board and no objection not so specified shall be considered by the court Upon service of a summons upon the board returnable within ten days from its date the board shall on or before the return day file an answer which shall deny or admit the allegations of fact in the petition and which shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact of the board based upon such testimony a copy of all orders made by the board in the proceedings and a copy of the action or decision of the board which the petition calls upon the court to reverse

D Upon the filing of the boards answer the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the board shall not be the basis of the decision of the court The case shall be heard de novo by the Court or by a Master appointed by the Court for that purpose All or any part of the record filed with the Court by the Board may be admitted in evidence upon agreement of the parties or by order of Court

The court shall determine whether or not the order appealed from is reasonable and in conformity with law If it shall determine that the order is unreasonable or illegal it shall remit the case to the board with directions to reform the findings or order or revoke the order in accordance with the courts opinion The court shall have full power to assess the costs upon either party or to divide them between the parties

E From a decision of a court of common pleas an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law

Section 15 Records The board may require licensees to keep the following records

(1) A record of all milk received detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test prices paid and deductions or charges made

(2) A record of all milk sold classified as to grade location and market outlet and size and style of container with prices amounts received therefor

(3) A record of quantities and prices of milk sold

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the items of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk

(7) A record of all other transactions affecting the assets liabilities or net worth of the licensee

(8) Such other records and information as the board may deem necessary for the proper enforcement of this act

Section 16 Reports A Each licensee shall from time to time as required by rule or order of the board make and file a verified report on forms prescribed by the board of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period of time specified in the order

Section 17 Payment of Fees into State Treasury "Milk Control Fund" Appropriation Expenses of Board A All moneys collected or received by the board arising from license fees penalties or any other source shall be paid by the board into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund"

B As much of the [moneys] money from time to time in the "Milk Control Fund" as may be necessary is hereby specifically appropriated to the [board] Milk Control Board to be used to pay its expenses including the following

(1) Salaries of the board of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the board for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol Buildings either in or outside of the capital city occupied by the board

(3) Premium for workmen's compensation insurance covering the officers and employes of the board

(4) Premiums for surety bonds for such officers or employes of the board as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the board for full-time use including premiums for liability insurance covering such motor vehicles and the members of the board and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the board

(6) Furniture stationery materials supplies and all other overhead expenses of the Board

(7) All other expenses of every kind and description necessary for the performance by the board of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

C As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated

to the Board of Finance and Revenue for the payment of approved claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

[B] D Estimates of the amounts to be expended under this act by the [board] Milk Control Board either itself or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the [board] Milk Control Board or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time of the making of any such requisition

Section 18 Order Fixing Price of Milk Penalties for Violation A The board shall ascertain after a hearing in which all interested parties shall be given full opportunity to be heard what are the logical and reasonable milk marketing areas within the State shall describe their territorial extent and designate the areas by number and shall ascertain and maintain such prices for milk in the respective milk marketing areas of the Commonwealth as will be most beneficial to the public interest and will best protect the milk industry in the Commonwealth and insure a sufficient quantity of pure and wholesome milk to adults and minors in the Commonwealth having special regard to the health and welfare of children residing therein The board shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer and to the milk dealer

B [The] Subject to the approval of the Governor the board after making such examination or investigation shall fix by official order the uniform wholesale and retail prices to be charged for milk sold within and milk marketing area of the Commonwealth wheresoever produced which prices may vary as to different classes but shall be uniform within the classes designated as follows

(1) By milk dealers to other milk dealers

(2) By milk dealers and stores to consumers except for consumption on the premises where sold

(3) By milk dealers to stores either for consumption on the premises or resale to consumers

The Board shall file at its office with each order issued a statement in writing of the findings of fact in support of or the reasons for such order

When pursuant to statute regulations adopted thereunder or ordinance various grades of milk are specified the board shall fix the minimum price and may fix the maximum price applicable to each in each of the classes Orders fixing minimum and maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk dealers in any manner which the board deems advisable and may vary according to the classes to which they are applicable Provided however That this section shall not be construed to empower the board to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

C It is hereby declared to be the legislative intent that the public emergency requires that the benefits of any increase of prices received by milk dealers by virtue of the minimum price provisions of this section shall be given to producers except in any case where the board with the approval of the Governor deems a deviation from this policy necessary in order to maintain proper milk markets and outlets for producers The board shall whenever it deems such action necessary to accomplish this purpose issue with the approval of the Governor orders rules or regulations to effectuate this intent

D The board after making the examination or investigation provided by this section shall with the approval of the Governor fix by offical order the minimum prices to be paid by milk dealers to producers and others for milk Provided however That the fixing of prices to be paid [by milk dealers] to producers for milk to be used solely in manufacturing shall be discretionary with the board The order of the board with respect to the minimum prices to be paid to the producers and others shall apply to the milk marketing area in which the milk is produced and to the milk marketing area in which the milk so produced is sold and may vary in different areas according to varying uses and different conditions Each such order may classify such milk by forms classes grades or uses as the board may deem advisable and may specify the minimum prices therefor

The board may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk

E After the board with the approval of the Governor shall have fixed prices to be charged or paid for milk whether by class grade or use it shall be unlawful for a milk dealer or producer to sell or buy or offer to sell or buy milk at any price less or more than such price or prices as shall be applicable to the particular transaction [and no] No method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less or more than such price or prices as shall be applicable to the particular transaction whether by any discount or rebate or free service or advertising allowance or a combined price for such milk together with another commodity or commodities or service or services which is less or more than the aggregate of the prices for the milk and the price or prices for such other commodity or commodities or service or services when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay in the Commonwealth of Pennsylvania a price lower than that fixed by the board for milk of that class or grade taking into consideration a proper allowance for the cost of the transportation of such milk

F [The] Subject to the approval of the Governor the board may upon its own motion or upon application from time to time alter revise or amend an official order at any time made with respect to the prices to be charged or paid for milk After making such investigations and before making revising or amending any order fixing the price to be charged or paid for milk the board shall hold a hearing thereon after giving reasonable notice thereof to interested parties of whom the board has notice and to the public in such newspaper or newspapers as in the judgment of the board shall afford sufficient notice and publicity

G It is hereby declared to be the legislative intent that the instant whenever that may be that the handling within the Commonwealth by a milk dealer of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred by this act on the board shall attach but this shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans or in tanks to be used solely for manufacturing purposes by the original consignee thereof [After any such milk so produced shall have come to rest within the Commonwealth it shall be unlawful except in any cases in which the board shall otherwise determine for any milk dealer to sell such milk within the Commonwealth if he has paid to the producer thereof outside the Commonwealth a price lower than that which he would have been required to pay for milk produced within the Commonwealth purchased for similar purposes and under similar conditions less a proper allowance for the transportation thereof]

H It is also declared to be the legislative intent that the producers of milk in this Commonwealth who sell their milk to milk dealers for shipment into and sale in another state where prices to producers are regulated by a state board or other authority with powers substantially similar to the Milk Control Board established by this act shall receive the same price that pro-

ducers in such other state receive for milk purchased for similar purposes and under similar conditions less a proper allowance for the transportation thereof It shall be unlawful for any milk dealer except in such cases in which the board shall otherwise determine to pay to a producer within this Commonwealth for milk to be sold in such other state a price lower than that fixed by the state board or other authority in such other state for sale of milk in such other state for similar purposes and under similar conditions minus a proper allowance for the transportation of the milk to the market in such other state

Section 19 Legislative Intent It is hereby declared to be the legislative intent that no provisions of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis Also no provision of this act shall be deemed or construed to effect the contracts of such cooperative agricultural association or corporation with its producers nor to affect or abridge the rights and powers of such an association or any of its operations Provided, however, That the powers of subpoena entry and inspection vested in the Board under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the board over the prices at which it may sell milk to milk dealers stores or consumers]

Section 20 Interstate and Federal Compacts The board is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations hold joint hearings and issue joint or concurrent orders and to enter into a compact or conpacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 21 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof and producers of milk and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and similar information by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them Any such producers and associations or corporations may confer and discuss the cost of production of marketing market conditions and prices for sale or milk

Section 22 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part thereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 23 Saving Clause No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 24 Duration of Board The board shall continue with all its powers and shall be subject to all the duties and responsibilities prescribed by this act until the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven at which time it shall be deemed abolished and the powers duties and jurisdiction conferred or imposed upon the board by this act shall terminate All books papers records and documents in its possession upon that date shall remain in the possession of the Department of Agriculture

Section 25 Appropriation In addition to any other appropriation made by this act the sum of one hundred thousand dollars ($100,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act until the thirty-first day of May one thousand nine hundred thirty-five

In addition to any other appropriation made by this act the sum of two hundred twenty-five thousand dollars ($225,000) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-five and ending on the thirtieth day of April one thousand nine hundred thirty-seven

On the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven all unencumbered and unexpended moneys remaining in the Milk Control Fund shall be paid into the General Fund For such purpose such moneys are hereby appropriated

Section 26 This act shall take effect immediately upon its approval by the Governor and shall continue in effect until the thirtieth day of April one thousand nine hundred [thirty-five] thirty-seven

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

COMMITTEE OF THE WHOLE FOR SPECIAL AMENDMENT

Mr. RICE. Mr. President, I move that the Senate do now resolve itself into Committee of the Whole, for the purpose of considering the following special amendments.

The amendments were read as follows: Amend section 18, page 37, line 21 by striking out the boldface bracket before the word "minimum" Amend section 18, page 37, line 22 by striking out the boldface bracket after the word "maximum". Amend section 18, page 37, line 23 by striking out at the beginning of the line before the word "wholesale" the word: "[uniform]" Amend section 18, page 37, line 25 by striking out the boldface bracket before the word "including". Amend section 18, page 37, line 26 by striking out the boldface bracket after the word "classes". Amend section 18, page 37, line 26 by striking out at the end of the line after the word "classes]" the following: "[which prices may vary as to different classes]" Amend section 18, page 37 by striking out lines 27 and 28. Amend section 18, page 38, line 1 by striking out the boldface bracket before the word "to". Amend section 18, page 38, line 1 by striking out the boldface bracket after the word "consumers". Amend section 18, page 38, line 1 by striking out at the end of the line after

the word "consumers]" the following: "[and stores to]" Amend section 18, page 38, by striking out lines 2 and 3. Amend section 18, page 38, line 6 by striking out the boldface bracket before the figure "(4)". Amend section 18, page 38, line 7 by striking out the boldface bracket after the word "sold".

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

QUESTION OF LEGISLATIVE INQUIRY

Mr. BUCKMAN. Mr. President, I rise to a question of legislative inquiry.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his question of legislative inquiry.

Mr. BUCKMAN. Mr. President, as I understand it, the Senator from Adams, Mr. Rice, has made a motion that the Senate resolve itself into Committee of the Whole for the purpose of considering the special amendments just read from the desk. My question of legislative inquiry is, whether or not a vote to go into Committee of the Whole for the purpose of considering these special amendments will carry the proposed amendments into the bill.

The PRESIDENT. The adoption of this motion made by the Senator from Adams, Mr. Rice, will carry with it the adoption of the amendments.

The yeas and nays were required by Mr. ZEISENHEIM and Mr. CLARK and were as follows, viz:

YEAS—28

Aron,	Harris,	Pytko,	Rupp,
Baumer,	Huffman,	Rankin,	Salus,
Bean,	Kahle,	Reed,	Shapiro,
Buckman,	Lanius,	(Washington)	Sones,
Cavalcante,	McCreesh,	Rice,	Thompson,
Clark,	McGinnis,	Roberts,	(Centre)
Frey,	Miller,	Rodgers,	Woodward,
Gelder,	Prince,		

NAYS—20

Batchelor,	Harvey,	Owlett,	Staudenmeier,
Bennett,	Homsher,	Pierson,	Thompson,
Chapman,	Hunsicker,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Dauphin)	Trainer,
Ealy,	McClure,	Sordoni,	Ziesenheim,
Graff,	Norton,		

The PRESIDENT. On the question of the adoption of the special amendment, the yeas are 28, and the "noes" 20. The amendments are adopted.

And the question recurring.

Will the Senate agree to the bill on third reading as amended?

COMMITTEE ON THE WHOLE FOR SPECIAL AMENDMENT

Mr. HARRIS. Mr. President, I move that the Senate do now resolve itself into Committee of the Whole, for the purpose of considering the following special amendments.

The amendments were read as follows: amend Section 3, Page 6, lines 28 and 29 by striking out after the word "mix" in line 28 and before the word "and" in line 29, the words "powdered whole milk powdered skimmed milk"

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is, that the amendments to the bill under consideration consist of strike-outs only, and, therefore, there is no reason why the bill should lie over for printing; it is now properly before the Senate for final passage.

The PRESIDENT. In the opinion of the Chair the point of order is well taken.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Owlett,	Rupp,
Baumer,	Harvey,	Pierson,	Salus,
Bean,	Homsher,	Prince,	Shapiro,
Buckman,	Huffman,	Pytko,	Sones,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Washington)	(Centre)
Coyne,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,			

NAYS—9

Bennett,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Dauphin)	(Westmoreland)
Hunsicker,	Norton,	Sordoni,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 953, entitled:

An Act to amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their re-arrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended making possible the concurrent sentencing of persons convicted of more than one offense in certain cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HUNSICKER. Mr. President, I ask unanimous consent that Senate Bill No. 957, on third reading, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class providing for the organization of a board for superintending and managing the drawing and selecting of jurors and prescribing its powers and duties conferring powers and imposing duties and liabilities on the sheriff imposing duties on registration commissioners and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 983 (House Bill No. 1476), entitled:

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 991 (House Bill No. 1699), entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," as amended; by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1143

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In th House of Representatives, April 29, 1935.

Resolved (if the Senate concur), That House Bill No. 1143 entitled:

An Act to amend section one of the act, approved the twentieth day of December, one thousand nine hundred and thirty-three (1933-34 P. L. 89), entitled "An act appropriating the moneys in The State Stores Fund;" making appropriations for the payment of refunds.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk of the House of Representatives accordingly.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 70

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 70, Printer's No. 145, entitled "An act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act' by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards,"

be recalled from the Governor for the purpose of amendment.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 992 (House Bill No. 1806), entitled:

An Act to further amend section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight), entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1003, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1008, entitled:

An Act making an appropriation to the Pittsburgh Home for Babies Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1009, entitled:

An Act making an appropriation to the Children's Hospital of Pittsburgh in the city of Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Clark,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Coyne,	Mallery,	Rice,	Trainer,
Ealy,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1010, entitled:

An Act making an appropriation to the Coleman Industrial Home for Colored Boys of one thousand seven hundred and twenty-one Bedford Avenue, Pittsburgh, Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Clark,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Coyne,	Mallery,	Rice,	Trainer,
Ealy,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1011, entitled:

An Act making an appropriation to the Passavant Hospital of Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Clark,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Coyne,	Mallery,	Rice,	Trainer,
Ealy,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1012, entitled:

An Act making an appropriation to the Pittsburgh Hospital Association Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Clark,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Coyne,	Mallery,	Rice,	Trainer,
Ealy,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1013, entitled:

An Act making an appropriation to the Pennsylvania Association for the Blind Incorporated at Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1015, entitled:

An Act to amend sections one seven and eleven of the act approved the seventh day of February one thiusand nine hundred and six (Pamphlet Laws seven) entitled "An act to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to or from each" by requiring a majority vote in each city and in the intervening land voting on the question of consolidation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bennett,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1037, entitled:

An Act making an appropriation for the purpose of reimbursing county treasuries for moneys refunded or to be refunded to owners of liquor licenses in accordance with the provisions of the act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws one thousand fifty-two) entitled "An act providing for the refunding of retail liquor license fees and additional taxes to holders of licenses to sell vinous spirituous malt or brewed liquors or any admixture thereof or intoxicating liquor where the act of Assembly under the authority of which such licenses were granted has been repealed by the General Assembly of one thousand nine hundred and twenty-three prior to the expiration of the license year for which such licenses were issued providing for the payment of such refund in certain cases by the county in which such license was granted and the repayment to such county by the city borough township and State of the respective shares of such refund and for the payment of such refund in certain cases by the State alone providing the procedure in such cases and making an appropriation"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1046 (House Bill No. 1885), entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Ziesenheim,
Gelder,	McGinnis,	Roberts,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House. of Representatives with information that the Senate has passed the same without amendment.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 212, as follows:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to ratify confirm and validate payments on such contracts by the school district

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any board of school directors shall have heretofore contracted for labor materials and supplies for the school district the purchase of which by contract are authorized under the provisions of the school laws of the Commonwealth and such board of school directors has actually received such labor materials and supplies and the same are being used by the school district if the said contract does not evidence any fraud or conspiracy to violate the provisions of the school laws of the Commonwealth and the school district has not suffered any pecuniary loss as the result of such contract then such contract shall be valid and binding on the school district and payment for such labor materials and supplies by the school district is hereby ratified confirmed and validated notwithstanding the fact that the affirmative votes of the majority of the board of school directors were not recorded in the minutes showing how each member voted as required by law No board of school directors or any members thereof shall be subject to surcharge for payments made by any board of school directors on any such contract

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 216 (House Bill No. 284), entitled:

An Act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 241, as follows:

An Act to amend section four hundred and two of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended regulating the issuance of special licenses to taxidermists

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and two of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred fifty-five) is hereby further amended to read as follows

Section 402 Board Empowered to Grant Licenses Under the conditions and limitations hereinafter prescribed the board may grant licenses at their discretion which licenses shall expire on May thirty-first of each year and which may be revoked or suspended at any time at the discretion of the board Such licenses shall not be transferable Such licenses may be issued (a) to any person within this Commonwealth of known scientific attainment in ornithology or mammalogy (b) to any agent of any public museum in this Commonwealth (c) to a teacher of ornithology in any school within this Commonwealth (d) to any person within the Commonwealth desiring to breed or raise game in captivity and to sell the same (e) to any person desiring to possess breed or sell ferrets (f) to any person desiring to practice taxidermy [who shall have served a regular apprenticeship for three years in a museum of recognized standing or in the establishment of a qualified and licensed taxidermist and to any person holding a license which expires on the thirty-first day of May one thousand nine hundred and thirty-one who shall apply for a renewal license within ninety days after such date] (g) to fur dealers or persons purchasing or receiving raw furs for commercial purposes and (h) to any person within the Commonwealth desiring to raise animals classed at fur-bearing animals for commercial purposes

No person so long as he is legally acting under the authority of a license issued by the board shall be liable to any of the penalties provided for in this act

And said bill having been read at length the second time,

Will the Senate agree to the bill on second reading?

Mr. THOMPSON (Centre). Mr. President, I move that Senate Bill No. 241, the bill just read, be recommitted to the Committee on Game and Fisheries for the purpose of amendment.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 283, as follows:

An Act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to provide work for unemployed persons the Department of Property and Supplies is hereby directed with the approval of the Governor to acquire in the name of the Commonwealth by purchase or the exercise of the right of eminent domain in the manner prescribed by the Administrative Code of one thousand nine hundred and twenty-nine all lands buildings streets and alleys situate within the following described boundaries to provide for the extension of Capitol Park in the City of Harrisburg said area being bounded as follows On the west by eastern line of Third Street on the north by the southern line of Briggs Street on the east by the western line of property of the Pennsylvania Railroad Company and on the south by the northern line of the present Capitol Park Provided however That no property shall actually be taken by the Department until the City of Harrisburg shall by proper municipal action release to the Commonwealth any claim which it might have by reason of any action taken under the authority of this act and shall file the said release with a certified copy of the proceedings under which it was given with the Department of Property and Supplies And provided further That before any such property shall actually be taken the Department of Property and Supplies with the approval of the Governor shall agree with the City of Harrisburg as to the vacation of existing streets and alleys in said area and the widening and improvement of streets and avenues in and bordering on the lands to be acquired

Section 2 The Department of Property and Supplies shall proceed as rapidly as possible to demolish the buildings acquired within the above described area and proceed to grade and terrace the lands within said area as a part of the Capitol Park area

Section 3 When any liens exist upon any estate or interest so acquired the same shall be paid and satisfied out of the purchase money or damages In case said purchase money or damages shall be insufficient to pay said liens or any dispute shall arise as to the validity of any such liens or the amount due thereon the Department of Property and Supplies shall present a petition to the court of Common Pleas of Dauphin County for permission to pay the amount due for such acquisition into court and after proper order of court shall pay the amount of such purchase money or damages into said court to be distributed among the parties entitled thereto in the same manner as moneys paid into court upon sheriffs' sale are distributed Upon such payment into court of such purchase money or damages said liens shall be extinguished and the court shall direct satisfaction of said liens to be entered of record

Section 4 The Department of Property and Supplies shall cause to be kept a full fair and accurate record of all its proceedings properly indexed and open to the inspection of the public Copies of all records documents and papers when duly certified by the Department shall be received in evidence in the courts of the Commonwealth in all cases where the original records documents and papers would be admitted in evidence Provided however That in any judicial controversy before any court either party may have the original records documents or papers produced on the service of proper process for that purpose

Section 5 The sum of two million dollars ($2,000,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for carrying on the work of the Department authorized under this act and for the payment of the lands and buildings acquired as aforesaid Provided That any moneys granted to the Commonwealth by the federal government or any agency thereof to assist in the construction of public works for the purpose of aiding national economic recovery may be used for any of the purposes provided for in this act to the extent allowed by federal law and for such purposes are hereby appropriated to the Department of Property and Supplies

Section 6 This act shall take effect immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 347, as follows:

An Act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws seven hundred seven) entitled "An act fixing the liability of the counties poor districts and the Commonwealth for the support of the indigent and partly indigent insane in State institutions" as amended providing for credits first to counties and poor districts when only a portion of the cost and maintenance of insane is collected

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws seven hundred seven) entitled "An act fixing the liability of the counties poor districts and the Commonwealth for the support of the indigent and partly indigent insane in State institutions" as last amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred seventy-five) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the part of the cost of the care and maintenance including clothing of the indigent insane whether chronic or otherwise in the State hospitals for the insane payable by the counties or poor districts is hereby fixed at the uniform rate of three dollars per week for each person which shall be chargeable to the county or poor district from which such insane person shall have come and the amount of the aforesaid cost over and above three dollars per week chargeable to the counties or poor districts shall be paid by the Commonwealth Provided That where a portion of the cost of the care and maintenance including clothing is collected during any billing period from such patients' estate or any other person or persons than [one-half of] the amount so collected during such billing period shall first be credited to the county or poor district liable for such patient's support and no amount shall be credited to the Commonwealth in any case until the full amount for which a county or poor district is liable has first been credited If the Department of Revenue shall subsequently collect or receive from the patient or any other person or persons all or part of the cost of the care and treatment including clothing of such patient for which the county or poor district was billed and which it has paid then the department shall extend to such county or poor district in the next periodical billing a proper credit whether or not in such billing there be any charge for the care and treatment including clothing of the particular patient The amount of such credit shall be one-half of such amount subsequently collected Such county or poor district shall not in any case receive credits aggregating more nor be liable for more than three dollars per week per patient

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 348, entitled:

An Act to amend the title and to reenact and amend sections one and two of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" further defining the duties of coroners

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" is hereby amended to read as follows

An Act defining the duties of coroners where death is sudden or violent or is of a suspicious nature and character and of police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner but where it appears the cause of death is not surrounded by suspicious circumstances

On the question,

Will the Senate agree to the section?

Mr. BENNETT. Mr. President, I move to amend Section 1, page 2, line 4, by striking out the word "duties" and insert in lieu thereof "duty"

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 That sections one and two of said act are hereby reenacted and amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be the duty of the coroner [and] or the deputy coroner of any county in this Commonwealth in all cases where [the cause of] death is sudden or violent or is of a suspicious nature and character to cause [an] a careful investigation of the facts concerning said death to be made to ascertain whether the death was due to other than natural causes and to make or cause to be made such an autopsy as the facts of the case may demand [by such official]

Section 2 That in all cases of sudden or violent death where it appears the cause of death is not surrounded by any suspicious circumstances the body of the deceased shall be sent immediately by the police or health authorities if the death shall occur away from the home or residence of the deceased to the same or to such relatives or friends who may claim the body or in absence of any knowledge as to the person his or her home residence relatives or friends the health board or police authorities of any county city borough or township shall take possession of such body and keep the same in such place as may be provided by said authorities for the purpose of remaining for a limited time for identification and any effects found on the body shall be handed over by said police or health authorities to the coroner or deputy coroner who shall be notified of the death and the effects found on the body shall [by that official] be given by the coroner or deputy coroner to those legally entitled to the same Provided That [nothing in this section shall interfere with the right of] the coroner shall have the right to view any such body and to investigate the facts or causes of said death if in his opinion the same is required

The title of the bill was read as follows and agreed to:

An Act to amend the title and reenact and amend sections one and two of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" further defining the duties of coroners.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 683 (House Bill No. 1245), entitled:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" eliminating compensation to owners whose property is destroyed to abate nuisances.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 709, as follows:

An Act to amend article nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereoof that are or may be inconsistent therewith" by providing for the establishment of courses of college studies in school districts of the first and second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special

or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto a new section to read as follows

Section 1908 That the board of school directors of school districts of the first and second classes are hereby authorized and empowered to provide for the establishment of courses of study of college grades or rank for the graduates of high school under such regulations and conditions as shall be formulated by the State Council of Education Such courses shall be collectively known as the junior college department if the courses offered do not exceed the first two years of college work or the college department if the courses include courses beyond the first two years of college work

Students who are eligible for entrance into the college departments as defined herein and who reside in a school district of any class which may not have either of such departments may be admitted to such department of any other school district in accordance with regulations which shall be prescribed by the State Council of Education The council shall also prescribe the amount and manner of payment of fees for attendance to be paid to the school district

And said bill having been at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 787 (House Bill No. 638), entitled:

An Act to amend clauses (b) and (c) of section seven and section eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" as amended providing an expiration date of licenses defining the qualifications of applicants for licensure and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman conferring powers and duties upon the Department of Public Instruction in connection therewith and eliminating penalties for failure to renew

And said bill having been at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 825 (House Bill No. 1064), entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers

And said bill having been at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 868 (House Bill No. 1838), as follows:

An Act requiring cities of the third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city of the third class having a police department shall allow and permit every member of such police department to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebrations and to have an annual vacation of not less than fourteen days without diminution of the salary or compensation fixed by ordinance or resolution of such city

And said bill having been at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 875, as follows:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by changing and abandoning a portion of route Number 35018 in Township of South Abington in Lackawanna County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following portions of route Number 35018 in Township of South Abington Lackawanna County as a State Highway under section thirty-six of the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended and modified by the abandonment of that portion of said highway route as follows

Beginning at a point where said route intersects Route Number 35390 at or near the old Pallman residence and Station 135 plus 37 thence running northwesterly about two thousand nine hundred twenty-four feet to the Morgan Highway (Route Number 671) at Station 106 plus 13 as a State Highway route so that the said portion thus abandoned reverts to and becomes a road of the Township of South Abington

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 928 (House Bill No. 1082), entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined [to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaption of lenses for the correction and aid of the vision of human beings] as

The correction of faulty and defective vision without the use of drugs using instead all or any mechanical method or appliance

A person engages in the "practice of optometry" within the meaning of this act who examines or attempts to examine the eyes of any person for the purpose of prescribing glasses or lenses in any form or who holds himself or herself out to the public as being able or legally authorized so to do or who advertises in any manner any establishment office business or place for the examination of the eyes of persons for the prescribing of glasses without including in said advertisement the name of the licensed optometrist in charge

On the question,

Will the Senate agree to the section?

Mr. ARON. Mr. President, I move to amend page 3, line 9, by striking out after the word "do" the words "or who advertise in any"; also page 3 by striking out lines 10, 11, 12, 13 and 14

Mr. COYNE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Sections five and six of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 5 Every person desiring to commence the practice of optometry or if now in practice to continue the practice thereof after January first one thousand nine hundred and eighteen except as herein otherwise provided shall take the examination provided in this act and satisfy the other requirements hereof as here provided Any person who has been engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of this act or for one year in this and for the year preceding it in another State and is of good character shall be entitled to take a limited examination covering the following only

(a) The limitation of the sphere of optometry

(b) The necessary scientific instruments used

(c) The form and power of lenses used

(d) A correct method of measuring presbyopia hypermetropia myopia and astigmatism

(e) The writing of formulae or prescriptions for the adaption of lenses in aid of vision

The board shall also permit the taking of limited examinations by and the license of any person who shall apply therefore before the first day of January one thousand nine hundred and twenty-two who at the time of the passage of the act to which this is an amendment or the time when the limited examinations under said act were held was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was at such time or times otherwise unavoidably absent from this State or was physically handicapped and unable to take such examination Provided however That any such person shall have engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of the act to which this is an amendment or for one year in this Commonwealth and one year in another State and shall be of good character

Any person who at the time of the passage of the act to which this is an amendment was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was otherwise unavoidably absent from this State or was physically handicapped and unable to take the examination and who was actually engaged in the practice of optometry but who had engaged in such practice less than two years and any person over the age of twenty-one years of good moral character who has a preliminary education equivalent to two years of the course of high school and after the first day of January one thousand nine hundred and twenty-five has had a preliminary education equivalent to a four year high schol course whose standard is approved by the Department of Public Instruction which preliminary education shall be ascertained by examination or by acceptable certificate as to credentials for work done in such approved institution and has graduated from a school or college of optometry approved by the Department of Public Instruction as recommended by the State Board of Optometrical Examiners on satisfactory completion of a course in optometry of not less than three years shall be entitled to take a standard examination Such courses shall be not less than thirty-four weeks of attendance in each calendar year with a total of at least one thousand hours of actual classroom laboratory and clinical instruction Such schools of optometry to be approved must have their own building or buildings have a separate classroom for each class and have separate laboratories adequately equipped with suitable apparatus for individual instruction in gross anatomy histology chemistry physiology and physiological optics geometrical and physical optics and physics and ophthalmic mechanics The faculty shall consist of a sufficient number of qualified instructors to teach the subjects of the course The

clinic shall consist of sufficient space and equipment to take care of a sufficient number of patients to provide at least four hundred clinic hours for each senior student

Said standard examination shall consist of tests in practical theoretical and physiological optics in theoretical and practical optometry and in the anatomy and physiology of the eye and in pathology as applied to optometry Provided That any person not less than twenty-one years of age who is actually engaged in the practice of optometry at the time of the passage of this act shall be entitled to take the standard examination merely upon proof to the board that he is of good moral character and is not addicted to the intemperate use of alcohol or narcotic drugs

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee In case of failure at any limited examinatioon the applicant shall have the privilege of continuing the practice of optometry and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optometry in this Commonwealth Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office or place of business wherein said person shall practice optometry together with the photograph of said person attached to the lower right hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board Peddling from door to door practicing under any other name but that of a holder of a certificate of licensure or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office or place of business is specifically forbidden under penalty of revocation of certificate by the board except that optometrical service may be rendered in their home to patients who are physically unable to visit the certificate holders' offices Certificate holders may however establish a branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination [and is in charge of a regular licensed optometrist] Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board Each person to whom a certificate has been issued by said board shall before practicing under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

On the question,

Will the Senate agree to the section?

Mr. ARON. Mr. President, I move to amend section 5, page 5, line 12 by striking out after the word "course" the word "who" and inserting in lieu thereof the word "whose"; also page 5, line 26, by striking out the words "their own building or buildings have"

Mr. COYNE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows and agreed to.

Section 3 Section nine of said act as amended by the act approved the twentieth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws twenty-six) is hereby further amended to read as follows

Section 9 The State Board of Optometrical [Education Examination and Licensure] Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit practicing under any other name but that of a holder of a certificate of licensure or the peddling from house to house or person to person or the establishment of temporary offices or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical business in which untruthful statements are made [or the failure to deliver the certificates provided for in section six of this act] or false or fraudulent or deceptive or misleading advertising or what is commonly known as "bait" advertising or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

The fourth section of the bill was read as follows:

Section 4 Sections eleven and twelve of said act as amended by said act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 11 [Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthalmologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or the treatment or diagnosis of diseases of or injuries to the human eye or the right to use drugs or medicines in any form for the treatment or examination of the human eye] Nothing in this act shall be construed as conferring on the holder any title or word indicating that he is engaged in any other practice other than that of optometry The title "Doctor" or the abbreviation "Dr" shall not be used before the name of any registered optometrist without the word "optometrist" following the

name immediately following and in conjunction therewith

Section 12 The provisions of this act shall not apply [to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery]

(a) To physicians practicing medicine under the medical act of one thousand nine hundred and eleven and its amendments to osteopathic physicians and osteopathic surgeons practicing under the provisions of the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws forty-six) its supplements and amendments or

(b) To persons selling spectacles and eye-glasses but who do not assume directly or indirectly to adapt them to the eye nor neither practice or profess to practice optometry

On the question,

Will the Senate agree to the section?

Mr. ARON. Mr. President, I move to amend page 11, line 4, by striking out after the word "amendments" the word "(to)"; also page 11 by striking out lines 5, 6, 7 and 8.

Mr. COYNE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section of the bill was read as follows and agreed to:

Section 5 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional provision not been included therein

The title of the bill was read as follows and agreed to:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtaned and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 947, as follows:

An Act to amend article nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts alone or jointly with other school districts to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies and to fix fees therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto a new section to read as follows

Section 1908 The board of school directors of any school district is hereby authorized and empowered to enter into agreements with any college of the Commonwealth approved by the State Council of Education for the purpose of establishing undergraduate centers with the financial assistance of such school district and under such terms and regulations as shall be prescribed by the State Council of Education or to provide for the establishment of courses of study of college grade or rank in a separate department operated by such school district under regulations to be prescribed by the State Council of Education

Each school district undertaking such higher education in any manner provided herein shall prescribe the amount and manner of payment of fees if any shall be required to be paid by students attending such courses departments or schools

The board of school directors of any two or more school districts may exercise the powers conferred herein by the establishment of joint schools departments or courses

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 967 (House Bill No. 1698), entitled:

An Act to amend sections three five seven eight ten twelve and thirteen of and to add section fifteen A to the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 974 (House Bill No. 247), entitled:

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. COYNE. Mr. President, I move that Senate Bill No. 989 (House Bill No. 1623) on second reading, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding a new section providing for the payment over by county officers to the county treasurer of certain unclaimed moneys

be recommitted to the Committee on County Government.

Mr. HARVEY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 993 (House Bill No. 1865), entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1014, entitled:

An Act to amend section two clause (1) of section three and sections five ten and eleven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subjects to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by redefining the term "dental hygienist" providing additional grounds for the revocation or suspension of licenses limiting the appellations permitted to be used authorizing the issuance of duplicate certificates and regulating practice thereunder limiting the scope of practice as a dental hygienist and increasing the power of the Board as to suspension and reinstatement of licenses.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two clause (i) of section three and sections five ten and eleven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" are hereby amended to read as follows

Section 2 Definitions A person engages in the "Practice of Dentistry" within the meaning of this act who diagnoses treats operates on or prescribes for any disease pain or injury or regulates any deformity or physical condition of the human teeth jaws or overlaying tissues or who fits constructs and inserts any artificial appliance plate or denture for the human teeth or jaws [or who holds himself or herself as being able or legally authorized to do so] The term "Practice of Dentistry" does not include

(a) The practice of any of the healing arts by duly licensed practitioners

(b) The extracting of teeth or relieving pain by a licensed physician or surgeon in emergencies or the making of applications for such purposes

(c) The taking of X-ray pictures of the human teeth jaws or adjacent structures

(d) The calling into this Commonwealth for consultation of a duly licensed practitioner of dentistry of any other state or country with respect to any case under treatment or demonstrating before any duly authorized dental society in this Commonwealth

(e) The practice of dentistry by bona fide students of dentistry in clinical departments and laboratories of approved dental colleges

[A "Dental Hygienist" is one who is legally licensed as such by the said dental council and examining board to remove tartar deposits accretions and strains from the exposed surfaces of the teeth and directly beneath the free marging of the gums in the office of a dentist or any public or private institutions such as schools hospitals orphan asylums and sanitoriums or State health cars but does not perform any other operation or work on the teeth jaws gums or mouth whatever]

Practice as a "dental hygienist" within the meaning of this act shall consist of and be confined to the removal of tartar deposits accretions and stains from the exposed surfaces of the teeth directly beneath the free margins of the gums in public or private institutions such as schools hospitals orphan asylums and sanitoriums or State health cars under the general supervision of a licensed and registered dentist but not otherwise or in the office of and under the general supervision of a duly registered and licensed dentist

The word "board" as use in this act means the State Dental Council and Examining Board

Section 3 (i) To suspend and revoke by majority action of the entire board the license or registration of any licensee who has been guilty of a crime or misdemeanor involving moral turpitude or of fraudulent or

unlawful practices or fradulent misleading or deceptive representations or of unprofessional conduct detrimental or dangerous to the public health safety morals or welfare or of false misleading or deceptive advertising as respects the skill of the operator the quality of materials drugs or medicines used or methods practiced or of advertising professional superiority or the performance of professional services in a superior manner advertising prices for professional services advertising by means of any large display glaring light sign or by means of any advertising containing as a part thereof the representation of a tooth teeth bridge work or any portion of the human head or of employing or making use of advertising solicitors or free publicity press agents or of advertising any free dental work or free examination or of advertising to guarantee any dental service or to perform any dental operation painlessly or of habitual intemperance or who is addicted to the use of narcotic drugs or is insane and to reinstate licences and registrations in any cases where a majority of the entire board shall determine the same to be just and proper

Section 5 Hearing on Suspensions and Revocation of Licenses and Registrations Appeals Before the license of any licensee or any registration is suspended or revoked by the board a written copy of the complaint made shall be furnished to the licensee or registrant against whom the same is directed and an opportunity be afforded him or her to be heard before the board personally and by counsel At least ten days' written notice of the time and place of such hearing shall be given the licensee or registrant by registered mail addressed to the post office address as shown on the annual registration or other record or information in possession of the board

Any person aggrieved by the action of the board in suspending or revoking a license or registration or by any other action of the board which is alleged to be improper unreasonable or unlawful may appeal from such action of the board in writing to the court of common pleas of Dauphin County

Appeals from suspensions and revocations of licenses or registrations must be taken within thirty days after such suspension or revocation of which action immediate notice shall be given the licensee or registrant by registered mail addressed as above provided In the case of appeals from other actions of the boards the appeal may be taken at any time by the person aggrieved by such action [No such appeal shall act as supersedeas]

Appeals shall be taken by serving upon the department written notice of such appeal together with reasons for such appeal Such service shall be made either by filing the said notice of appeal in the office of the department or in the event that a hearing has been had by delivering the same to the deputy whether general or special before whom the hearing in the case was had

Within thirty (30) days after the service of such notice of appeal the department shall file with the prothonotary of the said court of common pleas a transcript of the records of the proceedings if any in its office duly certified over the seal of the department which record shall include all papers on file with the department affecting or relating to the inquiry or investigation if any conducted by the department and all thee evidence taken in the hearing if any including the stenographic notes of testimony Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the department to the licensee or registrant and as well to the party or parties if any upon whose complaint the proceedings before the department were instituted The cost of the said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs in the cause to be paid as the court may direct In all proceedings upon such appeal the Department of Justice shall appear for and represent the Commonwealth

The court upon application by the board or the appellant shall fix a time and plan for hearing at which time or at any adjournment thereof the appeal shall be heard by the judge or judges of the court without a jury by whom the proceedings before the department if any its findings and rulings shall be given similar weight force and effect as are accorded to the findings and revisions of a referee selected or appointed under the provisions of the act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" approved the fourteenth day of May one thousand eight hundred and seventy-four and its supplements After hearing the court may sustain modify or reverse the action of the board as in its judgment the facts shall warrant

Either party may appeal from the decision of the court of common pleas of Dauphin County to the Superior Court but not later than thirty days after the entry of the decree by said court Such appeals shall be taken and prosecued in the same manner and with like effect as is provided by law in other cases of appeal to the Superior Court and the records certified to the Superior Court shall contain all that was before the court of common pleas The decree of the Superior Court shall be final and conclusive

Section 10 Penalties It is unlawful for any person to practice denistry or to hold himself or herself out as a practitioner of or entitled or authorized to practice denistry or to assume any title of "dentist" "dental surgeon" or other letters or titles in connection with his or her name which in any way represent him or her as being engaged in the practice of dentistry or authorized so to do unless he or she has been duly licensed registered and authorized to engage in such practice under the provisions of this act

Any unlicensed person who shall perform any of the operations specified in this act as constituting practice as a "dental hygienist" shall be deemed to be practicing dentistry within the meaning of this act and shall be subject to the penalty provided by this section for such unlicensed practice

It is unlawful for any person to practice dentistry or as a dental hygienist under a name other than that on his or her license and annual registration or to practice under the name on his or her license and annual registration with any addition thereto except a purely technical appellation such as "Dentist" "DDS" "Orthodontist" et cetera or induce any person to practice dentistry or as a dental hygienist in violation of this act

It is unlawful for any person to practice dentistry or as a dental hygienist unless his or her license and annual registration are displayed [in his or her regularly established place of business] in the office in which he or she is practicing dentistry or as a dental hygienist Provided however That if any dentist or dental hygienist practices in more than one office the Board shall upon application issue to him or her duplicate licenses and annual registrations duly certified by the Secretary if and only if a majority of the members of thee Board are satisfied upon investigation that the said dentist or dental hygienist in person practices dentistry or as a dental hygienist in each of the said offices with reasonable regularity and continuity In cases where such duplicates are issued it shall be unlawful for the person to whom they are issued to practice dentistry or as a dental hygienist unless his or her license and annual registration or duplicates thereof duly issued and certified as aforesaid are displayed in each of the offices in which he or she practices dentistry or as a dental hygienist

It is unlawful for any person to hold himself or herself out as practicing dentistry or as a dental hygienist in any office unless he or she in person actually practices dentistry or as a dental hygienist within the meaning of this act in that office with reasonable regularity and continuity

It is unlawful for any person to practice dentistry in more than one office unless he or she displays prominently and immediately after his or her name on the main door of each of the said offics in which he or she practices dentistry a statement of the hours and days when he or she in person actually practices dentistry in the said office

It is unlawful for a person practicing dentistry to employ a dental hygienist as his or her assistant unless such assistant is licensed and registered as a dental hygienist as required by this act and the rules and regulations of the board

It is unlawful for any dentist to permit any dental hygienist operating under his general supervision to per-

form any operation other than those included within practice as a "dental hygienist" under this act

It is unlawful for any dental hygienist to perform any operation on the teeth or mouth or an any diseased tissues of the mouth except those included in practice as a "dental hygienist" as defined by section two of this act or to perform any of the operations included in practice as a "dental hygienist" as defined by section two of this act except under the general supervision of a licensed and registered dentist

The State Dental Council and Examining Board shall have power to suspend and revoke by majority action of the entire Board the license or registration of any licensee whom it determins to have been guilty of any violation of any provision of this section and to reinstate such licenses and registration in any cases where a majority of the entire Board shall determine the same to be just and proper

Any person violating any of the provisions of this section or any other provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding fiv hundred dollars or to suffer imprisonment not exceeding six months or both in the discretion of the court

Section 11 Right of Dentists to Practice as Dental Hygienists Rights of Dental Laboratories and Mechanics hibiting a duly licensed and registered dentist from per-Nothing contained in this act shall be construed as proforming the work of a dental hygienist Nothing contained in this act shall be construed to prevent any [dental laboratory or dental mechanic] person firm or corporation from manufacturing and furnishing to licensed and registered dentists artificial teeth crowns bridges prosthetic work and regulating appliances but it shall be unlawful and constitute the practice of dentistry for any [dental mechanic or person employed in a dental laboratory or for any other] person firm or corporation to fit or attempt to fit or to furnish to or repair for any other person than a licensed and registered dentist artificial teeth crowns bridges prosthetic work or appliances

Amend section 1, page 5, line 22, by striking out the word "are" and insert in lieu thereof "and;" also page 6, line 29, by striking out the word "plan" and insert in lieu thereof "place;" also page 10, line 28, by striking out the words "Dental Laboratories and Mechanics" and insert in lieu thereof "Persons, Firms or Corporations"

Mr. NORTON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend section two clause (1) of section three and sections five ten and eleven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by redefining the term "dental hygienist" providing additional grounds for the revocation or suspension of licenses limiting the appellations permitted to be used authorizing the issuance of duplicate certificates and regulating practice thereunder limiting the scope of practice as a dental hygienist and increasing the power of the Board as to suspension and reinstatement of licenses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1055, as follows:

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to commemorate the heroic achievements of the citizens of Pennsylvania who served on the battlefields of Europe and to perpetuate the memories of those who fell in the World War there is hereby appropriated the sum of not over twenty-five thousand dollars ($25,000) or so much thereof as may be necessary for the compilation and the printing in book form of the history of the Eightieth Division

A commission is hereby constituted which shall be composed of five (5) citizens who were former Pennsylvania soldiers and who served with the Eightieth Division during the war with Germany The members of the commission shall be appointed by the Governor they shall serve without compensation but shall receive their actual and necessary expenses incurred in the performance of the duties imposed upon them by this act The commission shall organize at the call of the Governor Vacancies occurring in the membership of the commission shall be filled by appointment by the Governor Any member so appointed shall have the same qualifications as is required of the original appointees

Section 2 It shall be the duty of the commission after its organization to forthwith make arrangements for the preparation of the history and furnishing of photographs with accompanying maps and shall then make a complete report of its proceedings to the General Assembly as soon as possible In the said report the commission shall state the amount of money required to print and furnish each citizen who served as a member of the Eightieth Division with a copy of the history in book form

Payments from the said appropriation shall be made by requisition of the secretary of the commission under such regulations as the Auditor General shall prescribe

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1111, as follows.

An Act making an appropriation to the J. C. Blair Memorial Hospital of Huntingdon Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the J. C. Blair Memorial Hospital of Huntingdon Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charges which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1112, as follows:

An Act making an appropriation to the Nason Hospital Association of Roaring Spring Blair County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand dollars ($40,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Nason Hospital Association of Roaring Spring Blair County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1113, as follows:

An Act making an appropriation to the Altoona Hospital of Altoona Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Altoona Hospital of Altoona Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1114, as follows:

An Act making an appropriation to the Mercy Hospital of Altoona Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum if sixty thousand dollars ($60,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Mercy Hospital of Altoona Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1115, as follows:

An Act making an appropriation to the Blair County Children's Home at Williamsburg Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Blair County Children's Home at Williamsburg Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 70

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives, recalling from the Governor Senate Bill No. 70, Printer's No. 145, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF SENATE BILL NO. 70

Mr. HARRIS. Mr. President, I move to reconsider the vote by which Senate Bill No. 70, passed finally.

The PRESIDENT. How did the Senator vote?

Mr. HARRIS. Mr. President, I voted "aye."

Mr. PRINCE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. PRINCE. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. HARRIS. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. HARRIS. Mr. President, I voted "aye."

Mr. PRINCE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. PRINCE. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. HARRIS: Mr. President, I ask unanimous consent to amend page 1, line 1 of the title by inserting after the word "one" and before the word "seven" the word "and" Amend page 1, line 1 of the title by inserting after the word "seven" and before the word "fifteen" the following: "as amended clauses (a) and (d) and clause (g) as amended of section" Amend page 1, line 1 of the title by inserting after the word "and" and before the word "twenty-three" the following: "clauses (b) and (c) as amended of section" Amend page 1, line 1 of the title by striking out at the end of the line after the word "twenty-three" the word: "[as]" Amend page 1, line 2 of the title by striking out at the beginning of the line before the word "and" the word: "[amended]" Amend section 2, page 8, line 8 by striking out after the word "all" and before the word "of" the word: "[movements]" and inserting in lieu thereof the word: "movement" Amend section 4, page 14, line 10 by inserting after the word "shall" and before the word "be" the word: "also" Amend section 4, page 14, line 10 by striking out after the word "entered" and before the word "thereon" the word: "[also]" Amend section 6, page 17, line 10 by striking out after the figure "26" and before the word "for" the word: "[provisions]" and inserting in lieu thereof the word: "Provision" Amend section 6, page 18, line 1 by striking out after the word "body" and before the word "by" the word: "[effected]" and inserting in lieu thereof the word "affected"

RECESS

Mr. GELDER. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. HARVEY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session with the exception of Senate Bill No. 150 (House Bill No. 147), be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 293, entitled:

An Act making an appropriation to the Curtis Clinic, Out-Patient Department of the Jefferson Medical College Hospital of Philadelphia, Pennsylvania, for maintenance.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 294, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 295, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 491, entitled:

An Act making an appropriation to the Saint John's General Hospital, of Pittsburgh, Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 492, entitled:

An Act making an appropriation to the Presbyterian Hospital, of Pittsburgh, Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 734, entitled:

An Act making an appropriation to the Allegheny General Hospital, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 809, entitled:

An Act making an appropriation to the Children's Home Society of Pennsylvania.

And said bill having been read at length the first time,

Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 860 (House Bill No. 1594), entitled:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five and for deficiencies to the legislative department for the legislative session of one thousand nine hundred and thirty-five.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow afternoon a 2:00 o'clock.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 P. M. until Tuesday, April 30, 1935, at 2 o'clock P. M.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 29, 1935

The House met at 9:00 p. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend David E. Young, Pastor of the Sixth Street United Brethren in Christ Church, Harrisburg, offered the following prayer:

O God, our Father, Father Almighty, Father of all men, Thou to whom our hearts are open, and all desires are known, we worship Thee, we adore Thee, we bring praise to Thy great name. Great and marvelous are Thy works in all the earth.

We give Thee special thanks for our goodly heritage, Thou who hast truly given to us gifts of good and of grace.

Now, tonight we do invoke Thy blessing on this House, upon its presiding officer, upon these who are associated with him in the administration of this Assembly. May Thy blessing be upon the Assembly, upon our Governor, upon our Nation, and our honored President and those who are in authority with him. May all of these who have been charged with this high responsibility always remember whose servants they are, and in all of their acts and deliberations grant that they may always seek to glorify Thy name and always seek to do those things that shall be for the good of the State and of the Nation. May Thy favor and Thy blessing now attend the deliberations of this House.

We ask it in the name and through the merits of Thy Son, our Saviour, Jesus Christ, our Father, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 25, 1935.

The Clerk proceeded to read the Journal of Thursday, April 25, 1935, when, on motion of Mr. Moore the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 678

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 25, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved tnd signed House Bill No. 678, Printer's No. 123, entitled "An act to amend section twenty-one and to repeal section forty-five of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled, 'An act relating to county rates and levies and township rates and levies' as amended abolishing imprisonment for failure to pay taxes."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 224 AND 321

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 224, Printer's No. 565, entitled "An Act requiring certain cities to allow members of the fire departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases."

House Bill No. 321, Printer's No. 194, entitled, "An Act to amend section six as amended section eight and section ten as amended of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions and limiting the number of specimen ballots to be given candidates at primaries."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 318

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 318, Printer's No. 208, entitled, "An Act to amend sections ten and fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for conduct of and returning canvassing and computing the vote cast at primary elections regulating the form of the numbered lists of voters regulating the duties of election officers in calling and tabulating the votes and regulating return board procedure."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 1354, 1479 AND 1480

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1354, Printer's No. 584, entitled, "An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled 'An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts' by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons."

House Bill No. 1479, Printer's No. 335, entitled "An Act to amend the title and section three of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred sixty-seven), entitled 'An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor' by transferring the control management supervision restoration and improvement of said park and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Department of Forests and Waters."

House Bill No. 1480, Printer's No. 523, entitled "An Act to amend the title and section one as amended and section three of the act approved the tenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws twenty-three) entitled as amended 'An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute located on the left bank of Oil Creek in Oil Creek Township or Cherry Tree Township or bot' Venango County to establish the Drake Well Memorial Park under the control and supervision of the Pennsylvania Historical Commission providing for cooperation by the Department of Forests and Waters empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth and making an appropriation' by transferring the control and supervision of said park to the Department of Forests and Waters."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 1459

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1459, Printer's No. 526, entitled, "An Act to further amend sections one and two and to add sections two A two B two C and two D to the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred) entitled 'An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof' providing standards for fresh eggs and prohibiting illegal sales and misbranding."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 1788 AND 1789.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1788, Printer's No. 479, entitled, "An Act to amend section four hundred eighteen of an act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' as amended by changing the names of the State Association and training school for nurses."

House Bill No. 1789, Printer's No. 749, entitled, "An Act to amend sections one three four five seven and eleven of an act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-eight) entitled 'An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws' by changing qualifications for registration the publishing of a list of registrants and fixing penalties."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

I beg to transmit a letter received today from Federal Emergency Relief Administrator Harry L. Hopkins. The letter follows:

"April 26, 1935.

"My dear Governor:

I wish to repeat that the Federal Emergency Relief Administration intends to make no further contributions for unemployed relief for the State of Pennsylvania unless and until the State contributes $5,000,000 a month towards the total cost of relief in the State.

"As I have stated to you before, this seems to me to be a reasonable amount which Pennsylvania should contribute towards this problem, and it in no way exceeds the amounts and percentages contributed by other states of a similar economic status.

"We should be glad to make our funds available at once, if and when Pennsylvania acts.

Very sincerely yours,

HARRY L. HOPKINS,
Administrator."

The Federal Emergency Relief Administrator's letter constitutes formal notice that Pennsylvania must contribute $5,000,000 a month for unemployment relief before any Federal aid is given.

Inasmuch as present unemployment relief funds will be entirely expended on May 15, I again call your attention to the urgency of the crisis which confronts this Commonwealth, and earnestly request your expeditious action in this situation, to the end that we may avert a complete breakdown of unemployment relief on May 15, with resultant inevitable hardship amounting to catastrophe to our 1,750,000 unemployed needy.

GEORGE H. EARLE.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

POOR DIRECTORS

A resolution from the Borough Council of Carnegie, Allegheny County, protesting passage of Senate Bill No. 204, and House Bills Nos. 660 and 1519, consolidating of welfare administration of Pittsburgh and the poor district of Allegheny County.

Referred to the Committee on Counties.

SALES TAX

A communication from colleges and universities of Pennsylvania protesting passage of sales tax.

Referred to the Committee on Ways and Means.

HIGHWAY FUNDS

Resolutions (53) from Boards of Townships Supervisors urging passage of House Bill No. 977.

Referred to the Committee on Highways.

BLUE LAWS

A communication from residents of the Southwest section of the City of Philadelphia protesting passage of legislation liberalizing the Sabbath Day.

Referred to the Committee on Law and Order.

REPORTS FROM COMMITTEES

Mr. FRANK P. HAMILTON, from the Committee on Forestry reported as committed, House Bill No. 1869, entitled:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements; defining the powers and duties of the Department of Highways and the Water and Power Resources Board; authorizing political sub-divisions, persons, copartnerships, associations, corporations and the Board of Fish Commissioners to contribute to the cost of the construction, maintenance and repair of any such dam; providing for acceptance by agencies of the Commonwealth of gifts and lease of lands; and making appropriations from the Motor License Fund and the Fish Fund.

Mr. BAINE, from the Committee on Corporations reported as committed, House Bill No. 1868, entitled:

An Act to amend section nine hundred and five of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the

inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorderes of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations"

Mr. TUMELTY, from the Committee on Insurance reported as amended, House Bill No. 79, entitled:

An Act to amend paragraphs (a) and (b) of section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and interinsurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers providing penalties and repealing existing laws" increasing the amount of reserve required of stock and mutual casualty insurance companies and exchanges for certain outstanding losses

RESOLUTION

PARK GUARDS

Mr. OMINSKY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

RESOLUTION

In the House of Representatives, April 29, 1935.

Whereas, The General Assembly has signified its approval that cities should be required to allow members of the Police and Fire Department twenty-four consecutive hours of rest each week and fourteen days vacation each year, except in emergency cases, and

Whereas, No such relief has been, or is granted to Park Guards in the City of Philadelphia, and

Whereas, Park Guards in the City of Philadelphia who are under the complete control and jurisdiction of the Park Commission of the aforesaid city, work diligently, faithfully, and untiringly, therefore, be it

Resolved, That the Chief Clerk of the House of Representatives be instructed to communicate with the Park Commission, advising it that it is the sense of this Body that the Park Guards be accorded the same privileges as the Policemen and Firemen, with regards to the consecutive hours of rest each week and the vacation period each year, be it further

Resolved, That a copy of this resolution, duly authenticated, be sent by the Chief Clerk of the House of Representatives to the Park Commission of the City of Philadelphia, the Mayor of the City of Philadelphia, and the President of City Council, as well as to the Secretary of the Board of Judges.

RESOLUTION

RECALLING HOUSE BILL NO. 1143 FROM THE GOVERNOR

Mr. TERRY offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 29, 1935.

Resolved (if the Senate concur), That House Bill No. 1143, Printer's No. 500, entitled "An act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws eighty-nine one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled 'An act apropriating the moneys in The State Stores Fund' making appropriations for the payment of refunds," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PLACED ON CALENDAR

Mr. Van SICKLE. Mr. Speaker, I move that House Bill No. 1612, Printer's No. 756, entitled:

An Act relating to the defense of alibi in criminal prosecutions

which was reported on April 23, 1935, from the Committee on Judiciary General with a negative recommendation be placed upon the calendar.

Mr. COAKLEY. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

Mr. Van SICKLE. Mr. Speaker and members of the House, the members will find on their desks a copy of House Bill No. 1612, which is commonly known as the alibi law. This bill was reported out with a negative recommendation. However, the action of the committee was not unanimous. Furthermore, this bill has the approval of the Pennsylvania Bar Association and is meritorious. We have passed acts in this House increasing the penalties in criminal law. This is an act designed to close one of the loopholes open to the criminal, namely the use of a trumped up alibi or the use of professional witnesses in establishing alibis.

By referring to the bill the members will see that it requires notice of the place and the witnesses intended to be relied upon and the circumstances surrounding the alibi be given through the district attorney of the county wherein the case is being tried. This is done for the reason that the district attorney may have a chance to investigate the witnesses as well as the circumstances of the alibi, and if he finds these facts are true—

POINT OF ORDER

Mr. CAPUTO. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Beaver will state his point of order.

Mr. CAPUTO. Mr. Speaker, the gentleman is speaking on the merits of the bill.

The SPEAKER. The point of order is not well taken. On a motion to place a negatively reported bill on the calendar, the gentleman is permitted to discuss the merits of the bill.

Mr. Van SICKLE. Mr. Speaker and members of the House, this bill will give the opportunity to the district attorney of any particular county to determine whether the facts set forth in the bill of particulars are true. If the district attorney finds they are true, it will save the costs of the needless trial of this case in any particular county. However, if he finds that the facts are not true, he will be in a position to offer testimony in rebuttal to the testimony brought forth by the criminal. It is merely a bill to prevent an avenue of escape so often used by criminals.

You will note by referring to the bill that the court has the power "to order the amendment, amplification or re-

duction of such particulars or of the time of their service." Furthermore, the evidence may be included but it is not compulsory, but it leaves it up to the trial judge in his good discretion to make a decision which will meet the ends of justice.

I feel that this bill is so important that it merits the consideration of the House as a whole and I will therefore ask you to place it upon the calendar in order that it may be determined finally upon its merits.

Mr. CAPUTO. Mr. Speaker and ladies and gentlemen of the House, this bill was presented to the Judiciary General Committee on April 19th. It received the consideration of the committee within a few days after it was received by the committee. The committee acted upon it and subsequent to that time it was revived and then again given consideration by the committee. In the meantime a sub-committee studied the merits of the bill, and the sub-committee reported on it unfavorably. A third time it was called up before the committee a week ago and again the sub-committee reported unfavorably on the bill, and the Committee as a whole decided the bill did not merit the consideration of this House. For this reason I ask the members of the House to vote "no" on this motion. The Committee on Judiciary General has given this bill a thorough consideration; it has given it consideration not once, not twice, but three different times, on three different occasions, and I feel that their decision has been arrived at after judicious consideration of the bill, and I say that the bill does not merit being placed on the calendar.

Mr. Van SICKLE. Mr. Speaker and members of the House, I have no complaint to make about the consideration received from the chairman of the committee. However, he is mistaken when he says that the sub-committee reported unfavorably on this bill—

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. WITKIN. Mr. Speaker, the gentleman is not permitted to disclose what took place in the committee.

Th SPEAKER. The point of order is well taken.

Mr. Van SICKLE. Mr. Speaker and members of the House, I feel that the members of this House are entitled to pass upon this bill themselves. Unfortunately, the Judiciary General Committee is composed almost entirely of attorneys. Unconsciously they may be somewhat biased in their opinion, and I feel that the sensible members of this House should have an opportunity to pass upon the bill.

Mr. SOWERS. Mr. Speaker and members of the House, the bill is impossible in operation. You will notice if you refer to section two, that the bill really protects the criminal rather than catches him.

Section two says: "Within two days after receipt of such bill of particulars from the defendant the district attorney or other prosecuting officer shall on written demand therefor furnish the defendant or his attorney with a written bill of particulars stating the names and addresses of the witnesses upon whom the Commonwealth intends to rely to establish defendant's presence at the scene of the alleged offense."

In Philadelphia we have at the present time four criminal courts running at one time. Beginning with the first Monday of May we will have five courts. In some of these courts there are easily sixty cases listed every day and if the defendant's counsel appears and files a bill of particulars and asks the district attorney to file the reply bill of particulars in two days he could not do it. There would not be enough help in the district attorney's office to do it, and, failing to file the reply, the district attorney would be prevented from putting in rebuttal testimony under this bill and the defendant would escape because there would be no denial to his story. The bill may have a very meritorious idea back of it, but, as it is framed, as its mechanics are framed, it is impossible of operation, and I ask you to vote down this motion.

Mr. Van SICKLE. Mr. Speaker and members of the House, I would like to call the attention of the members of the House—

POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. EBERHARTER. Mr. Speaker, the gentleman has already spoken twice on this bill. I only raised this point of order because the House has plenty of other business to transact.

The SPEAKER. Does the gentleman press his point of order? The House must give its consent if a member is to speak more than twice on the same subject.

Mr. FLYNN. Mr. Speaker, I yield the floor to the gentleman from Northampton.

Mr. VANSICKLE. Mr. Speaker, I want to thank the gentleman for his very courteous consideration and assure him that it is greatly appreciated.

May I call the attention of the members of the House to Section 3 which was designed to cover the objections raised by the gentleman from Philadelphia, Mr. Sowers, wherein it states that "The trial court shall have power to order the amendment amplification or reduction of such particulars or of the time of their service as the ends of justice may require."

The yeas and nays were required by Mr. WITKIN and Mr. WHITE and were as follows:

YEAS—129

Achterman,	Eroe,	Longaker,	Rooney,
Alexander,	Falkenstein,	Lovett,	Scanlon,
Allen,	Fitch,	Lynch,	Schrock,
Andrews,	Flanagan,	Male,	Schwab,
Arnold,	Flinchbaugh,	Mallen,	Schwartz,
Aukerman,	Flynn,	Mason,	Shortz,
Baine,	Forrest,	McCreary,	Shreiner,
Baker, J. J.,	Furman,	McDermott,	Siegel,
Bernhard,	Gates,	McDevitt,	Simon,
Boose,	Gillette,	McElroy,	Simpson,
Bradley,	Green,	McHenry,	Sinwell,
Brennan,	Habbyshaw,	Mentzer,	Sloan,
Brown, J. E.,	Haberlen,	Merrell,	Smith, W. G.
Brownfield,	Haluska,	Moomaw,	Snyder, F. E.,
Brumbaugh,	Hamilton, F. P.,	Moore,	Snyder, J. L.,
Cannon,	Hart,	Moran,	Spangler,
Carr,	Hartman,	Moul,	Sproul,
Carson,	Hefferon,	Muir,	Stevens,
Castor,	Hermansen,	Munley,	Stewart,
Chervenak,	Hetrick,	O'Neill,	Stone,
Coakley,	Hirsch,	Panton,	Sumney,
Cochran,	Hoffner,	Patterson, C.,	Trout,
Cohen,	Holstrom,	Patterson, J. W.,	Tumelty,
Coleman,	Horst,	Pearson,	Van Sickle,
Condon,	Jackson,	Perry,	Walker,
Conner,	Jones,	Pfaff,	Weiss,
Coolahan,	Kane,	Piole,	Wellliver,
Cordier,	Kelso,	Reising,	Welsh,

Davies,	Kilroy,	Reynolds,	Westrick,
Decker,	Kinney,	Rinn,	Wickersham,
Dent,	LaRue,	Roan,	Wilson,
Downey, G. E.,	Long,	Robinson,	Sarig,
Downey, J. J.,			

NAYS—42

Baldi,	Hamilton, R. S.,	O'Keefe,	Tahl,
Barber,	Harkins,	Ominsky,	Turner,
Barnhardt,	Holland,	Peters,	Wall,
Blumberg,	Hoopes,	Powers,	Wasserman,
Caputo,	Kelder,	Sarraf,	White,
Duffort,	Klingler,	Schrope,	Winner,
Eberharter,	Linderman,	Shaw,	Witkin,
Ferko,	Melchiorre,	Shepard,	Yourishin,
Finnerty,	Mooney,	Sowers,	Zappala,
Gerard,	Murrin,	Stockham,	Zimmerman,
Greenstein,	Nothnagle,		

So the question was determined in the affirmative and the motion was agreed to.

RESOLUTION No. 130

Mr. DIEHL. Mr. Speaker, I desire to call up at this time Resolution No. 130, Printer's No. 831.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 17, 1935.

Whereas, Dissatisfaction with the administration of direct and work relief is widespread in the County of Blair, allegations are made that the Blair County Emergency Relief Board, and the United States employment Bureau, and other agencies dealing with relief, are not using their powers consistent with the best interests of those in need, that misery is widespread; that improper and incompetent personnel is being employed; that political activity is being indulged in and aid granted on a political basis; that discrimination on account of race, creed, and color is practiced; and that husbands and wives are both employed, or one employed when the other has employment elsewhere; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House, whose duty it shall be to thoroughly and impartially investigate the Blair County Emergency Relief Board, and the United States employment Bureau in said county, or any other governmental agency dealing with relief, and the personnel thereof, with a view of determining whether the allegations set forth in the preamble hereof, are true, and to make report thereof to the House of Representatives as early as possible;

Resolved, That the said committees shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents, as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee, or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of this Commonwealth in such cases;

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid board, bureau, or agency, for such stenographic help, or service as it may deem necessary under the circumstances, in the taking of testimony and the conduct of hearings, et cetera.

On the question,
Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker and members of the House, I have no desire to oppose a resolution of this kind that any member desires to introduce to investigate the relief conditions in his own county. But, it seems to me, in view of the fact that we have a joint committee of the House and Senate that has started an investigation in the relief question in the state of Pennsylvania, that it would be far better if all of these so called local resolutions, would be dropped, and the matter allowed to be taken up by the Joint Committee. I think it would save confusion and certainly would be a more orderly process than we could have by having a number of small county investigations. I would like to ask the gentleman from Blair, Mr. Diehl, under that circumstance whether he would not be willing to withdraw his resolution?

Mr. HALUSKA. Mr. Speaker and members of the House, in Cambria and in the neighboring county of Blair, we have a resolution for an investigation. Mr. Robert Johnson told me this afternoon that he welcomed all investigations and I feel that the work we will do will be a service to the state wide committee. We confer with this committee and help it out. It will be impossible for the state-wide committee to go down deeply and find out the chiselers that we have found out in Cambria County, and I believe that local committees should be established because of their great service to this Commonwealth.

Mr. COAKLEY. Mr. Speaker and members of the House, also in Northampton County we have a resolution that only passed the House two weeks ago. I have it on good authority that the relief checks have shrunk about two-thirds of the original amount of the checks through the mail in the city of Easton. I think it is a very good idea for each county to have an investigation.

On the question recurring,
Will the House adopt the resolution?
It was adopted.

BILLS ON FIRST READING

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2483, entitled:

An Act simplifying the procedure for the construction and financing of public works projects by counties, cities, towns, boroughs, townships, school districts, and poor districts, defining such agencies as political subdivisions; enabling such political subdivisons to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon such political subdivisions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1042, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their corporation or right to do business within the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1579, entitled:

An Act to further amend article thirty-five of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for the acquisition and operation by cities of electric light and power, natural and artificial gas, steam or other forms of heat, plants and of water works and supply systems, together with the transmission and distribution systems of each, both within and without the city limits; providing for the cost thereof and for changes for service; and limiting the power and jurisdiction of the Public Service Commission in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. TERRY. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study and amendment.

On the question,

Will the House agree to the motion?

Mr. HOOPES. Mr. Speaker and members of the House, I rise to oppose this motion. This bill is sponsored by the League of Third Class Cities. It was carefully considered in the Committee on Cities. It cures a situation which has caused a great deal of difficulty to third class cities, to which it applies. This is a very important measure and should receive consideration on its merit by this House. I therefore ask you to vote "no" on this motion to recommit, and Mr. Speaker, I ask for a roll call.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. HOOPES and Mrs. WILSON and were as follows:

YEAS—111

Achterman,	Flynn,	Mason,	Snyder, J. L.,
Allen,	Forrest,	McDevitt,	Sowers,
Altenburg,	Furman,	McHenry,	Spangler,
Arnold,	Gates,	Merrell,	Sproul,
Aukerman,	Gillette,	Moore,	Stank,
Baker, F. T.,	Green,	Muir,	Stewart,
Baldi,	Greenstein,	Munley,	Stockham,
Bernhard,	Habbyshaw,	Nothnagle,	Stone,
Blumberg,	Haluska,	Panton,	Surface,
Boose,	Hamilton, F. P.,	Patterson, C.,	Terry,
Boyer,	Hamilton, R. S.,	Peters,	Trout,
Brennan,	Harmuth,	Powers,	Tumelty,
Brown, J. E.,	Hart,	Reynolds,	Turner,
Brownfield,	Hartman,	Rinn,	Wall,
Carson,	Hefferon,	Roan,	Wasserman,
Cochran,	Hermansen,	Robinson,	Weidemann,
Coleman,	Hetrick,	Schrock,	Weiss,
Condon,	Hindman,	Schrope,	Welliver,
Conner,	Hoffner,	Schwartz,	Welsh,
Cordier,	Jackson,	Shepard,	White,
Davies,	Jones,	Shortz,	Wickersham,
Decker,	Kane,	Shreiner,	Winner,
Denning,	Kelder,	Siegel,	Witkin,
Downey, J. J.,	Klingler,	Simon,	Wood,
Eberharter,	Linderman,	Simpson,	Woodside,
Ferko,	Longaker,	Sloan,	Yeakel,
Finnerty,	Male,	Snyder, F. E.,	Yourishin,
Flanagan,	Mallen,		

NAYS—54

Baine,	Flinchbaugh,	McCreary,	Ruth,
Baker, J J.,	Hagerty,	McDermott,	Schwab,
Barber,	Harkins,	McElroy,	Shaw,
Bradley,	Hirsch,	Mentzer,	Smith, J. A.,
Caputo,	Holland,	Moomaw,	Smith, W. G.,
Carr,	Holstrom,	Moran,	Stevens,
Chervenak,	Hoopes,	Moul,	Tronzo,
Coakley,	Kilroy,	Murrin,	Van Allsburg,
Coolahan,	Kinney,	Nagel,	Van Sickle,
Dent,	Kobelak,	O'Keefe,	Walker,
Dilley,	LaRue,	Patterson, J. W.,	Westrick,
Downey, G. E.,	Long,	Pfaff,	Wilson,
Eroe,	Lovett,	Reising,	Sarig,
Falkenstein,	Lynch,	Ruffennach,	

So the question was determined in the affirmative and the motion was agreed to.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 70, Printer's No. 145, entitled "An act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act' by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 24, 1935.

Resolved (if the Senate concur) That House Bill No. 1815, Printer's No. 554, entitled

An Act To amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public

health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent

Be recalled from the Governor for the purpose of amendment.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2270, entitled:

An Act to further amend section three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp, and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers; confirming and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir; providing for the acquisition of necessary lands therefor, and the necessary agreements and releases relating thereto, and the disposition of surplus land and materials," conferring additional powers and duties on the Water and Power Resources Board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2332, entitled:

An Act to enable city, county, poor, ward, school, borough and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years for the passage of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2486, entitled:

An Act to amend the act approved the twentieth day of April, one thousand eight hundred seventy-four (Pamphlet Laws, sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," as amended and supplemented, by clarifying the law relating to municipal financing; further defining the method of determining permitted and existing indebtedness; modifying and simplifying the procedure for incurring or increasing indebtedness, either with or without an election; reducing the period of time required for advertising elections and sales of bonds; providing for the private sale of bonds to the United States of America; and repealing conflicting acts and sections of acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2633, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," as amended; by further extending the powers of such cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1571, entitled:

An Act to amend sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by changing the conditions of the bond of the city treasurer as tax collector; and providing when liability on such bond shall cease.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2006, entitled:

An Act to amend paragraph two of section two thousand four hundred and three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council of such cities to hire certified public accountants to audit the affairs of the city when it deems it necessary.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2637, entitled:

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2028, entitled:

An Act requiring the Water and Power Resources Board in granting certain permits to fix and collect annual charges and impose terms and conditions for the protection of the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2561, (Senate Bill No. 581), entitled:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2433, (Senate Bill No. 520), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2770, (Senate Bill No. 666), entitled:

An Act regulating the motor vehicle junk business requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2775, (Senate Bill No. 752), entitled:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2121, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class; providing for the organization of a board for superintending and managing the drawing and selecting of the jurors, and prescribing its powers and duties; conferring powers and imposing duties and liabilities on the sheriff; imposing duties on registration commissions; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1:1, 1:2, 1:3, 1:4, 1:5, 2:1, 2:2, 2:4, 70:1, 70:2, and 73 to the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

And said bill having been read at length the first time, Orderer, To be laid aside for the second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1928, entitled:

An Act providing for the administration of relief to the poor in cities of the first class by the Department of Public Welfare and abolishing existing poor districts therein

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2415, entitled:

An Act providing for the creation and incorporation of improvement authorities at the option of the voters in cities, boroughs, towns and townships; prescribing the powers and duties of such authorities; and authorizing such authorities to engage in the enterprise of furnishing water, sewers and sewage treatment works, gas or electric heat, light or power services to the inhabitants of such cities, boroughs, towns and townships, and to issue bonds, and imposing certain duties upon certain State, county, city, borough, town and township officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2468, entitled:

An Act validating ratifying approving and confirming bonds and other instruments or obligations heretofore issued by counties cities boroughs towns townships school districts poor districts and other incorporated districts of this Commonwealth for public works projects

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2406, entitled:

An Act to authorize cities, boroughs, towns and townships and the Commonwealth, its subdivisions and agencies to co-operate with housing authorities and the United States of America by rendering services, conveying or leasing property, and providing for streets, road and other facilities; to require any city located within a housing authority to make an appropriation for the first year's administrative expenses of such authority; and to authorize cities, boroughs, towns and townships located within housing authorities to make grants and lend money to such housing authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2476, entitled:

An Act providing for the incurring or increasing of indebtedness by counties, cities, boroughs, towns, townships, school districts and poor districts, for the purpose of financing public works projects from the proceeds of loans or grants or both from the federal government or any agency thereof, prescribing the procedure to be followed in authorizing the issuance of bonds as evidence of

such indebtedness, and their disposal at public sale or at private sale to the federal government or any agency thereof; authorizing counties, cities, boroughs, towns, townships, school districts and poor districts, to accept grants and enter into any contracts required in connection with the acceptance of any loan or grant or both or the construction of any project from the proceeds thereof; and providing for the expiration of the power conferred by this act on the thirtieth day of June, one thousand nine hundred and thirty-seven.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2051, entitled:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by adding thereto township borough or incorporated town bridges

The first Section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" as last amended by the Act approved the thirteenth day of April on thousand nine hundred thirty-three (Pamphlet Laws thirty) is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That where any county or township is responsible for the construction or maintenance of any bridge on a State highway route carrying vehicular traffic over a stream or over a stream and the facilities of any public service company or on a continuation of a State highway route through any borough or incorporated town or which is located on a continuation of a State highway route and part of which extends into the municipal limits of a third-class city the [county's] responsibility of such county or township shall be assumed by the Commonwealth except as hereinafter in this act provided All such bridges shall be taken over by the Department of Highways and shall be built rebuilt repaired and maintained by the department at the expense of the Commonwealth This act shall not be construed to relieve any person firm association or corporation from any obligation for the construction or maintenance of any such bridge under any agreement or order of court or under any order of the Public Service Commission heretofore or hereinafter made

The second section was read as follows:

Section 2 That section six of the said Act is hereby amended to read as follows

Section 6 This act shall not be construed to place upon the Commonwealth of Pennsylvania the responsibility for the construction or maintenance of any bridge on a State highway route [or continuation thereof] within the limits of any [borough incorporated town or] third-class city if such highway was established subsequently to the first day of January one thousand nine hundred and thirty-one

On the question,

Will the House agree to the section?

Mr. CLIFF. S. PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 4, line 10 by adding after the word thirty-one, the following "or any bridge which the county desires to retain as a county bridge in the manner hereinafter provided"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. CLIFF. S. PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Page 4, Lines 11 and 12 by striking out after 3, the following: "This act shall become effective immediately upon its final enactment" and inserting in lieu thereof, the following: "That the following new section shall be added to the act:

Section 6A. Any county desiring to retain as a county bridge any of the bridges affected by this act, may do so, subject to the approval of the Secretary of Highways, by making application prior to the first day of September, one thousand nine hundred thirty-five, to the Secretary of Highways, setting forth the county's reasons for desiring to have the structure as a county bridge, accompanied by a resolution agreeing to maintain and reconstruct such bridge in accordance with the standards of the Department of Highways.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Mr. CLIFF S. PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Section 4. This act shall become effective the first day of January, one thousand nine hundred thirty-six."

On the question,

Will the House agree to the amendment?

It was agreed to.

The title was read as follows:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by adding thereto township borough or incorporated town bridges

On the question,

Will the House agree to the title?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend the seventh line of the title on Page 2, by striking out the words "borough or incorporated town" after the word thereto

Amend the eighth line of the title on Page 2 by adding after the word bridges, the following: "and by adding thereto a new section providing for the retention of certain bridges by the county under certain conditions"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 494, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic and the licensure and registration of practitioners therein creating a Chiropractic Board of examination and Licensure in the Department of Public Instruction and defining its powers and duties and providing penalties

Whereas The healing art or profession of chiropractic being recognized and patronized by an increasing number of citizens of Pennsylvania it thereby becomes necessary that there should be regulation of the persons practicing said profession so as to avoid danger to the public health from the pretentions of untrained practitioners holding themselves out as chiropractors therefore

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Board of Chiropractic Examiners The Chiropractic Board of Examination and Licensure of the Commonwealth of Pennsylvania is hereby created as a departmental administrative board in the Department of Public Instruction

(a) The said board shall consist of seven members none of whom shall be at the time of appointment a member of a faculty of any school or college teaching chiropractic as herein defined nor financially interested therein and of whom five members shall be appointed by the Governor of the Commonwealth within thirty days after the approval of this act as follows The five members so appointed by the Governor shall be doctors of chiropractic in good standing and in active practice for not less than five years in this Commonwealth In appointing the five members the Governor shall designate three members thereof to serve for the term of three years and two members to serve for the term of two years All subsequent appointments shall be by the Governor and shall be for the term of five years except appointments to fill vacancies The Secretary of the Department of Health or a deputy appointed by him and the Superintendent of Public Instruction or a deputy appointed by him shall also be ex-officio members of the board so created The Governor shall by appointment fill all vacancies occurring on said board The board shall perform such duties and be vested with and exercise such powers relative to the protection of the public health and the control and regulation of the practice of chiropractic in the State of Pennsylvania as shall in this act be prescribed and conferred upon it

(b) Before entering upon the duties of said office the members of the board shall take the constitutional oath of office and shall file the same in the office of the Secretary of the Commonwealth and there shall be issued to each member a commission pursuant to his appointment At its first meeting the five board members appointed by the Governor shall issue to themselves a license under this act to practice chiropractic for which each member shall pay a fee of twenty-five dollars ($25)

(c) The board shall immediately after qualifying organize by electing a president vice-president secretary and treasurer from its membership The board shall hold two meetings each year one in May and one in November and on such date as it shall determine Notice of such meetings shall be given to each member two weeks in advance Special meetings may be held at such times and places and upon such notice as the majority of the board may determine The board shall adopt a seal which must be affixed to all licenses issued by it and from time to time shall adopt such rules and regulations not inconsistent with the act as it may deem necessary for the performance of its duties and shall examine and pass upon the qualifications of applicants for licensure as doctors of chiropractic in this State as herein provided The officers of the board shall have power to administer oaths summon witnesses and take testimony as to matters pertaining to its duties A majority of the members of said board shall constitute a quorum for the transaction of business The secretary shall keep a record of all official actions and proceedings of the board and said records shall be prima facie evidence of matters herein contained

(d) The members of the board when engaged in the

performance of their duties thereon shall receive ten dollars ($10) per diem in addition to train fare and not more than five dollars ($5) per day for living expenses

Section 2 General Supervision of Chiropractic Educational Institutions It shall be the duty of the said board periodically to ascertain the facilities qualifications and character of the instruction of each of the various educational institutions schools and colleges operating under the laws of this Commonwealth or operating therein for the teaching of the healing art of chiropractic to establish standards in conformity with section five of this act for such institutions schools and colleges and by inspection or otherwise to ascertain the facilities qualifications and character of such institutions outside this Commonwealth whose graduates desire to obtain licensure in this Commonwealth Failure to conform to the standard required by the department after notification shall render the graduates of any such institution school or college ineligible for licensure in this Commonwealth

The third section was read as follows:

Section 3 Licensing Present Practitioners (a) Any person who has been engaged in the practice of chiropractic in this Commonwealth and in good standing for any period of at least five years prior to the passage of this act and during said time has devoted his or her major time to the practice of chiropractic and who shall produce proof to the satisfaction of the Chiropractic Board of Examination and Licensure of being a graduate of a reputable college of chiropractic and shall have passed an examination in the technic of chiropractic satisfactory to the Chiropractic Board of Examination and Licensure shall be entitled to be granted a license to practice chiropractic in this Commonwealth upon payment of the fee provided for in this act provided that such persons make application for chiropractic license on or before the first day of December one thousand nine hundred and thirty-five

(b) Any person who has been engaged in the practice of chiropractic in this Commonwealth for less than five years prior to the passage of this act and has during said time devoted his or her major time to the practice of chiropractic and who shall produce proof to the satisfaction of the Chiropractic Board of Examination and Licensure of being a graduate of a reputable college of chiropractic requiring a three year course of not less than six months each year of actual bona fide resident attendance in class work shall be entitled to be granted a license to practice chiropractic in this Commonwealth upon the payment of the fee provided in this act and passing a reasonable examination before the board in the general practice of chiropractic All such applicants for licensure under this section shall apply for examination to the Chiropractic Board of Examination and Licensure within ninety days after the first organization of the board Such applications shall be accompanied with satisfactory proof that the applicant is not less than twenty-one years of age is of good moral character and that he or she possesses all the qualifications required by this act

On the question,

Will the House agree to the section?

Mr. GERARD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 5, line 5, by inserting after the word "Licensure" the following: "and every person engaged in the practice of chiropractic who has heretofore been licensed by the State Board of Medical Education and Licensure to practice Drugless Therapy or Physiotherapy"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh sections and title were separately read and agreed to as follows:

Section 4 Preliminary Educational Qualifications No person matriculating in the study of chiropractic after the first day of August one thousand nine hundred and thirty-five shall hereafter be licensed to practice chiropractic in this Commonwealth unless he or she produces proof to the Chiropractic Board of Examination and Licensure before taking his or her preliminary examination of having a preliminary study of four years of high school or its equivalent and one year of college credits

Section 5 Professional Educational Qualifications Except as hereinbefore provided for present practitioners no person shall hereafter be licensed to practice chiropractic in this Commonwealth unless he or she shall deliver to the Secretary of the Chiropractic Board of Examination and Licensure a written application together with satisfactory proof that the applicant is more than twenty-one years of age is of good moral character has obtained the preliminary education as required by section four of this act and has completed in a reputable college of chiropractic in the United States a course consisting of not less than four years and shall pass a final examination before the Chiropractic Board of Examination and Licensure as provided in this act

Section 6 Final Examinations (a) The Chiropractic Board of Examination and Licensure shall admit to final examination any applicant who has complied with the qualifications provided herein The examination shall be conducted in writing upon the principles and technic of chiropractic and such other basic and collateral subjects as the Chiropractic Board of Examination and Licensure shall from time to time provide including the subjects of anatomy physiology bio-chemistry symptomatology diagnosis pathology dietetics hygiene sanitation and neurology The board shall further require the applicant to give a clinical demonstration of vertebral palpation and adjustment and such other subjects as the board may require Examinations may be supplemented by practical examinations and by practical tests upon the human body

(b) For the purpose of examining applicants for licensure the Chiropractic Board of Examination and Licensure shall hold two stated meetings each year due notice of which shall be made public the examinations to be held at such times and places as the board may determine at such meetings examinations may be conducted by a committee of two or more members of the board authorized by the board Examinations shall be conducted in accordance with the rules and regulations prescribed by the board No license shall be granted to any applicant unless he or she has obtained a general average of not less than seventy-five per centum and a grade of at least sixty per centum on the questions propounded in each subject

(c) Each applicant for examination before the Chiropractic Board of Examination and Licensure shall pay a fee of twenty-five dollars ($25) In case of failure in examination the candidate after the expiration of six months and within two years shall have the privilege of a second examination without the payment of any additional fee Having failed in the second examination an applicant de novo must be made conforming with the standards of qualification in force at the time of such application and the applicant shall pay a fee of twenty-five dollars ($25) All fees paid to the board shall be paid to the State Treasurer for the use of the Commonwealth

Section 7 Definition of Chiropractic Chiropractic is the examination of the human spine by observation palpation or X-ray and the adjustment of any or all misalignments of vertebrae or adjacent bones or tissues through the use of the hands All persons qualified and licensed as herein provided shall be designated as "Doctor of Chiropractic" and by the abbreviation "D C"

Section 8 Rules and Regulations The board of Chiropractic Examiners may from time to time adopt and prescribe rules and regulations to facilitate its procedure and for the observance of doctors of chiropractic in the exercise of their professional privileges and duties said rules

and regulations shall be supplementary and obedient to the powers herein granted and not inconsistent with the laws of this Commonwealth

Section 9 Revocation and Suspension of License (a) The Chiropractic Board of Examination and Licensure shall refuse to grant a license to an applicant to practice chiropractic and is empowered to revoke a license conferring in a person the right to practice chiropractic upon the presentation to the Chiropractic Board of Examination and Licensure of a court record showing the conviction in due course of law of such person for procuring aiding or abetting in procuring a criminal abortion or miscarriage by any means whatsoever The board upon such evidence and proof shall cause the name of said convicted licensee to be removed from the record in its office

(b) The said board may refuse revoke or suspend the right to practice in this State for any or all of the following reasons to wit the indulgence in or participation in any conduct involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance or for any other cause which impairs intellect and judgment to such an extent as to incapacitate him or her in the performance of professional duties or for injury or wrong to any person or patient treated through negligence or any other wrongful act

(c) Any person who is a licensee under this act or who is an applicant for examination for licensure against whom any of the foregoing charges are preferred shall be furnished by the board with a copy of the complaint and shall have a hearing before said board in person or by attorney and witnesses may be examined respecting the guilt or innocence of the accused The suspension of license of any licensee shall be removed by the Chiropractic Board of Examination and Licensure when said narcotic or vicious habit or other cause herein so specified shall have been adjudged by the board to be cured or overcome and the suspended licensee be again capable of practicing chiropractic No license shall be revoked except upon the affirmative vote of all members of the Chiropractic Board of Examination and Licensure

(d) From a final adjudication of the said State board revoking a license the party suffering revocation may within thirty days thereafter upon his petition appeal to the court of common pleas of the county in which the aggrieved person resides The said court shall award issue and a trial by jury if demanded From the final judgment of said court either party may remove the cause to an appellate court as in other cases

Section 10 Penalties Any person who shall practice or attempt to practice chiropractic as defined in this act in treating any ailment whatever of the human body or who shall use any of the terms or letters "Chiropractor" "Chiropractic" "Doctor of Chiropractic" "Diplomat of Chiropractic" or "D.C." or any titles or letters under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of chiropractic without first having obtained the license as herein provided for or contrary to the provisions of this act or who shall under any other terms or name practice chiropractic as defined in this act or who for the purpose of obtaining such license shall falsely represent himself or herself to be the owner of a diploma from a reputable college shall be guilty of a misdemeanor and upon the conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or suffer imprisonment in the county jail for not more than ninety days for each offense or both at the discretion of the court

Section 11 Repeal All acts or parts of acts inconsistent with this act are hereby repealed in so far as the same are inconsistent with this act

An Act relating to and regulating the practice of the healing profession of chiropractic and the licensure and registration of practitioners therein creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction and defining its powers and duties and providing penalties

Whereas, The healing art or profession of chiropractic being recognized and patronized by an increasing number of citizens of Pennsylvania it thereby becomes necessary that there should be regulation of the persons practicing said profession so as to avoid danger to the public health from the pretentions of untrained practioners holding themselves out as chiropractors therefore

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of further study and amendment.

On the question,

Will the House agree to the motion?

Mr. FITCH. Mr. Speaker and members of the House, this is a reflection, to my mind, on the Speaker and also on the Commitee that had this measure in charge. I certainly am surprised that the same action should be attempted at this particular time after Wednesday. It looks to me as if the powers that be are afraid of their lives to have this particular act of the Legislature spoken of. I feel this way, as far as I am concerned individually, the only interest I have at heart is the interest of fair play, and if any member of this House feels that this act has had fair play, then I am no judge of humanity. I feel this way, that we can depend upon the members of the House that they will not reverse themselves as to what they did on Wednesday, and return or recommit this bill to the same committee as was attempted last Wednesday.

Mr. NAGEL. Mr. Speaker and members of the House, I can see no reason why a second attempt should be made to recommit this bill to a different committee from the one that has already carefully and conscienciously considered the bill before placing it before this House for action. I believe in fair play, and I am asking the members of this House whether you favor the bill and intend to vote for it when it comes before the House or whether you intend to vote against it, show your sportsmanship at this time and vote against this motion to recommit.

As was stated before by the gentleman previously speaking, it is a reflection upon the ability and the intelligence of your committee on Education. I therefore ask you to vote against this motion.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. FITCH and Mr. REISING and were as follows:

YEAS—98

Achterman,	Furman,	Merrell,	Simon,
Altenburg,	Gerard,	Mooney,	Sloan,
Andrews,	Gillette,	Moore,	Smith, W. G.,
Arnold,	Green,	Moul,	Sowers,
Baker, J. J.,	Greenstein,	Munley,	Spangler,
Baldi,	Habbyshaw,	Murrin,	Sproul,
Barber,	Harkins,	Nothnagle,	Stewart,
Barnhardt,	Harmuth,	O'Keefe,	Stockham,
Blumberg,	Hart,	O'Neill,	Stott,
Boyer,	Hartman,	Patterson, J. W.,	Tahl,
Bradley,	Hefferon,	Pearson,	Terry,
Brennan,	Hetrick,	Peters,	Trout,
Chervenak,	Hindman,	Piole,	Turner,
Cochran,	Holstrom,	Powers,	Wall,
Cohen,	Horst,	Rinn,	Wasserman,
Coolahan,	Jones,	Rooney,	Weidemann,
Cordier,	Kane,	Root,	Welsh,
Davies,	Kelder,	Ruth,	White,
Decker,	Kelso,	Sarraf,	Wickersham,

Denning,	Kobelak,	Schwartz,	Winner,
Dilley,	LaRue,	Shaw,	Witkin,
Eroe,	Linderman,	Shortz,	Woodside,
Ferko,	Longaker,	Shreiner,	Yeakel,
Flynn,	Mallen,	Siegel,	Zimmerman,
Forrest,	McDermott,		Sarig,

NAYS—96

Alexander,	Downey, G. E.,	Male,	Schwab,
Allen,	Downey, J. J.,	McCreary,	Shugarts,
Aukerman,	Eberharter,	McDevitt,	Simpson,
Baine,	Falkenstein,	McElroy,	Smith, J. A.,
Baker, F. T.,	Finnerty,	McKinney,	Snyder, F. E.,
Boyd, R.,	Fitch,	Melchiorre,	Snyder, J. L.,
Bernhard,	Flanagan,	Mentzer,	Stank,
Boose,	Flinchbaugh,	Moomaw,	Stevens,
Brancato,	Gates,	Moran,	Stone,
Brown, H. S.,	Haberlen,	Muir,	Sumney,
Brown, J. E.,	Haluska,	Nagel,	Surface,
Brownfield,	Hamilton, F. P.,	Ominsky,	Tronzo,
Brumbaugh,	Hamilton, R. S.,	Panton,	Tumelty,
Burke,	Hermansen,	Patterson, C.,	Van Allsburg,
Cannon,	Hirsch,	Perry,	Van Sickle,
Caputo,	Hoffner,	Pfaff,	Walker,
Carr,	Holland,	Reising,	Weiss,
Carson,	Hoopes,	Rhys,	Welliver,
Castor,	Kilroy,	Roan,	Westrick,
Coakley,	Kinney,	Robinson,	Wilson,
Coleman,	Klingler,	Ruffennach,	Wood,
Condon,	Long,	Scanlon,	Yourishin,
Conner,	Lovett,	Schrock,	Zappala,
Dent,	Lynch,	Schrope,	Sarig,

So the question was determined in the affirmative and the motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1044, as follows:

An Act to amend section two of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" granting licenses by the Board to certain persons having had at least ten years' practical experience as embalmer or undertaker under certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 2 Any person not holding a license so to do on the date this act becomes effective desiring to operate as an undertaker in this Commonwealth shall make application for examination and licensure to the board upon a form furnished by it and shall accompany the application by such fee as may be fixed by the department whereupon the board shall fix a time and place for the examinations of the applicant and shall notify the applicant thereof Provided however That any person who has had at least ten years' continuous practical experience in the business or profession of undertaking or embalming prior to June tenth one thousand nine hundred and thirty-one but did not register and does not hold a license as such shall be granted a license by the Board upon application made and proof of such service shown to the Board and after having passed successfully a practical examination which the Board administers to all applicants but this provision shall not apply to any applicant who files his application more than six months after the passage of this act

Persons or corporations holding license under the existing laws shall be entitled to the renewal of such licenses as herein provided without examination

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1199, entitled:

An act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by making the present schedules of compensation compulsory upon all employers changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependants imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended are hereby re-enacted amended or further amended as the case may be as follows

AN ACT

Defining the liability of an employer to pay damages for injuries received by an employe in the course of or resulting from employment establishing [an elective] a compulsory system and schedule of compensation [and] providing procedure for the determination of liability and compensation thereunder and prescribing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Article I Interpretation and [definition] definitions

Article II Defining the liability of an employer in an action at law for damages for personal injury to an employe and abolishing in whole or in part certain defenses thereto

Article III Establishing a system of compulsory compensation [by agreement prescribing the method by which such agreement shall be made and terminated] defining the injuries for which compensation is payable the person to whom it is payable its amount and the condition under which and the manner in which it is payable

Article IV Providing a procedure for the determination and settlement of claims for compensation

Article V General Provisions

ARTICLE I

INTERPRETATION AND [DEFINITION] DEFINITIONS

Section [1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same] 101 That this act shall be called and cited as The Workmen's Compensation Act [of one thousand nine hundred and fifteen] and shall apply to all within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any outside of the Commonwealth except to State employes outside the Commonwealth while such employes are engaged in duly authorized business of the [State] Commonwealth and except accidents occurring to Pennsylvania employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "employer" as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes [all]

(a) All natural persons including minors who perform services of any kind including agricultural services or domestic service for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer

(b) All members or employes of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended or while performing any other duties for such companies

Section 105 The term "contractor" as used in article two section two hundred and three [and article three section three hundred and two (b)] shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than the employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sublet any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term ["Bureau"] "Department" when used in this act shall mean [the Bureau of Workmen's Compensation of] the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean the Workmen's Compensation Board [of the Bureau] of this Commonwealth

Section 108 For the purpose of this act minors shall have the same power to contract make settlements file claims for compensation and receive compensation as adult employes subject however to the power of the board in its discretion at any time to require the appointment of a guardian to make a settlement or to receive moneys thereunder or under an award for the benefit of any such minor Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation

ARTICLE II

DAMAGES BY ACTION AT LAW

Section 201 That in any action brought to recover damages for personal injury to an employe in the course of or resulting from his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe had assumed the risk of the injury or

(c) That the injury was caused in any degree by the negligence of such employe unless it be established that the injury was caused by such employe's intoxication or by his reckless indifference to danger The burden of proving such intoxication or reckless indifference to danger shall be upon the defendent and the question shall be one of fact to be determined by the jury

Section 202 The employer shall be liable for the negligence of all employes while acting within the scope of their employment including engineers chauffeurs miners mineforemen fire-bosses mine superintendents plumbers officers of vessels and all other employes licensed by the [State] Commonwealth or other governmental authority if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes and property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe

Section 204 No agreement composition or release of damages made before the [happening] date of any accident [except the agreeent defined in article three of this act] shall be valid or shall bar a claim for damages for the injury and any such agreement [other than that defined in article three herein] is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

ARTICLE III

[ELECTIVE] COMPULSORY COMPENSATION

Section 301 A [When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for] In the case of personal injury to or [for] the death of [such] any employe by an accident [in the course of his employment] which happens either in the course of his employment or which if not in the course of his employment results from his employment compensation shall be made in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and [six] four and three hundred and [seven] five of this article provided that no

fection as naturally results therefrom and wherever death [be] is intentionally self-inflicted but the burden of proof of such fact shall be upon the employer

B The right to receive compensation under this act shall not be affected by the fact that a minor is employed by his parent or parents or is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his employment by misrepresenting his age or that any minor or other employe on account of whose injury or death the benefits are claimed was violating any law or rule or regulation of the business or industry or a positive order of the employer at the time of the injury except that no minor or employe shall be entitled to receive compensation under this act who at the time of injury was engaged in the commission of a felony

C The terms "injury" and "personal injury" as used in this act shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and wherever death is mentioned as a cause for compensation under this act it shall mean only death resulting from such violence and its resultant effects and occurring within [three] five hundred weeks after the accident The term "injury which happens either in the course of his employment or which if not in the course of his employment results from his employment" as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is [actually] engaged in the [furtherance of the] business or affairs of the employer whether upon the employers premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's biusness or affairs ore being carried on the employe's presence thereon being required by the nature of his employment

Section 302 [(a) In] The provisions of this act shall apply to every contract of hiring made after [December thirty-first one thousand nine hundred and fifteen] the effective date of this act and [in] to every contract of hiring renewed or extended by mutual consent expressed or implied after said date [it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making re n wal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the Bureau within ten days after such service and before any accident has occurred Every] and to every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before [December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the Bureau a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligations of any contract now in force In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough or town-ship therein or for any other officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the prosions of this article to any employe of the State or of such governmental agency] the effective date of this act

[(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the Bureau within ten days thereafter and before any accident has occurred a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and premises occupied by or under the control of such emafter December thirty-first one thousand nine hundred and fifteen any such laborer or assistant who shall enter upon premises occupied by or under the control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of ployer for the purpose of doing such work shall be conaction under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter and before any accident has occurred there shall have been filed with the Bureau a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed]

[Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal represenatives and the employe his or her wife or husband widow or widower next of kin and other dependents]

[Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon sixty days' notice to the other in writing if a copy of such notice with proof of service be filed in the Bureau as provided in section three hundred and two of this article]

Section [305] 303 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the [Bureau] department from such insurance An employer desiring to be exempt from insuring his liability for compensation shall make application to the [Bureau] department showing his financial ability to pay such compensation whereupon the [Bureau] department if satisfied of the applicant's financial ability shall [by written order make] upon the deposit under a collateral trust agreement of bonds or other obligations of the United States or of this Commonwealth or of any other State or of any political subdivision of this Commonwealth or of any other State which are satisfactory to the department in such amount as shall be prescribed by the department except that such bonds or obligations shall be in sufficient amount to cover such employer's entire outstanding incurred liability for compensation if any and upon the payment of a fee of one hundred dollars ($100) issue to the applicant a permit authorizing such exemption Whenever an application for an

exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of one hundred dollars ($100) The [Bureau] department may from time to time require further statements of the financial ability of such employer and if at any time it should appear to the department that such employer [appear] is no longer able to pay compensation or has failed to pay compensation claims promptly as provided in this act or has occasioned unnecessary delay in the hearing or trial of the compensation claims of his employes or has by his failure to obey provisions of this act or the rules or regulations of the department materially hindered the proper administration of this act the department shall revoke its [order] permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in a mutual association or company as aforesaid

Every employer liable under this act to pay compensation shall post and maintain in a conspicious place in and about his place of business a notice that he has secured the payment of compensation to his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If an employer liable under this act to pay compensation shall fail to secure the payment of compensation for his employes and their dependents as provided in this section the injured employe or his legal representative in case death results from the injury may at his option elect to claim compensation under this act or to maintain an action in the courts for damages on account of such injury In such an action it shall not be necessary to plead or prove freedom from contributory negligence nor may the defendant plead as a defense that the injury was caused by the negligence of a fellow employe nor that the employe assumed the risk of his employment nor that the injury was due to the contributory negligence of the employe

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing an exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for compensation such employer [shall be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall for every such failure or false or fraudulent statement [shall] be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than [five] three hundred dollars [($500)] ($300) and costs of prosecution and upon failure to pay such fine and costs shall be sentenced to undergo [or] imprisonment for a period of not more than [six] three months [or both at the discretion of the court] Every day's violation shall constitute a separate offense It shall be the duty of the [bureau] department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof All [fines] fees collected received or recovered under the provisions of this section shall be paid [by the clerk of the court] to the [bureau] department and by it paid into the State Treasury through he Department of Revenue

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

The department by appropriate proceedings also shall have the power to enjoin any employer from transacting business unless and until such employer shall have complied with this section

For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated

Section [306] 304 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) [For the first five hundred weeks after] After the seventh day of total disability sixty-five per centum of the wages of the injured employe as defined in section three hundred and [nine] seven but the compensation shall not be more than [fifteen] twenty-five dollars per week nor less than [seven] twelve dollars per week [and shall not exceed in aggregate the sum of sixty-five hundred dollars] Provided That if at the time of injury the employe receives wages of less than twelve dollars per week then he shall receive the full amount of such wages per week as compensation Provided That if total disability week as compensation] Provided That if total disability shall continue for a period of three weeks or more the employe also shall be entitled to receive compensation for the first seven days of total disability Nothing in this clause shall require payment of compensation after disability shall cease [Should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c)) sixty-five per centum of the difference between the wages of the injured employe as defined in section three hundred and [nine] seven and the earning power of the employe thereafter but such compensation shall not be more than [fifteen] twenty-five dollars per week This compensation shall be paid during the period of such partial disability [not however beyond three hundred weeks] after the seventh day of [such partial] disability [Should total disability be followed by partial disability the period of three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for such total disability] Provided That if the partial disability shall continue for a period of three weeks or more the employe shall also be entitled to receive compensation for the first seven days of partial disability In cases of partial disability the actual earnings of an employe after the date of injury may along with other evidence be received as evidence of the extent of his earning power but if such employe has no such earnings the referee may in the interest of justice fix such earning power as shall be reasonable but not in excess of sixty-five per centum of his prior wages as defined in section three hundred and seven having due regard to the character of his previous employment and the nature of his injury and his partial disability

(c) For all partial disability resulting from permanent injuries of the following classes the compensation shall begin upon the termination of total disability if any total disability resulted from the inury and or upon the termination of partial disability compensable under sub-section (b) of this Section in excess fifteen per centum of wages and shall be paid in addition to the compensation paid for such total disability and shall be [exclusively] as follows

For the loss of a hand [sixty-five] fifteen per centum of wages [during one hundred and seventy-five weeks] for life

For the loss of an arm [sixty-five] fifteen per centum of wages [during two hundred and fifteen weeks] for life

For the loss of a foot [sixty-five] fifteen per centum of wages [during one hundred and fifty weeks] for life

For the loss of a leg [sixty-five] fifteen per centum

of wages [during two hundred and fifteen weeks] for life

For the loss of an eye or for the removal of a cataract from or lense of an eye causing the loss of binocular vision [sixty-five] fifteen per centum of wages [during one hundred and twenty-five weeks] for life

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute permanent total disability to be compensated according to the provisions of clause (a)

For the loss or the permanent loss of the use of any two or more such members not constituting permanent total disability the aggregate of the percentage of wages specified above for each for life

Amputation between the wrist and the knuckles shall be considered as the equivalent of the loss of a hand and amputation between the toes and the ankle shall be considered as the equivalent of the loss of a foot Amputation above the wrist shall be considered as the loss of an arm and amputation at or above the ankle shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye toe finger or thumb for industrial purposes shall be considered as the equivalent of the loss of such hand arm foot leg eye toe finger or thumb or great toe

For the loss of a thumb sixty-five per centum of wages during sixty weeks

For the loss of a first toe or a first finger commonly called index finger sixty-five per centum of wages during thirty-five weeks

For the loss of a second toe or finger sixty-five per centum of wages during thir[illegible]weeks

For the loss of a third t[illegible] finger sixty-five per centum of wages during twenty weeks

For the loss of a fourth first toe or a finger commonly called little finger sixty-five per centum of wages during fifteen weeks

The loss of less than the first phalange of the thumb or of any finger shall be considered equivalent to the loss of one-half of such thumb or finger and shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger provided however that the accident involves injury to part of the bone of the phalange

The loss of [more than] one phalange or more of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger

For the loss of any two or more [such members] fingers or the permanent loss of the use of [the hand arm foot leg or eye as hereinbefore provided not constituting total disability] such fingers sixty-five per centum of wages d[illegible]ng the aggregate of the periods specified for each

For serious and permanent disfigurement of the head or face of such a character as to produce an unsightly appearance and such as is not usually incident to the employment sixty-five per centum of wages not to exceed one hundred and fifty weeks

[Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability to be compensated according to the provisions of clause (a)

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot Amputation at or above the elbow shall be considered as the loss of an arm and amputation at or above the knee shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye finger or thumb shall be considered as the equivalent of the loss of such hand arm foot leg eye finger or thumb]

This compensation shall not be more than [fifteen] twenty-five dollars per week [nor less than seven dollars per week Provided That if at the time of injury the employe receives wages of less than seven dollars per week then he shall receive the full amount of such wages per week as compensation]

(d) No compensation shall be allowed for the first seven days after disability begins except as [hereinafter] provided in [clause] clauses (a) (b) and (e) of this section

(e) During the first [thirty days] six months after [disability begins] the date of inquiry and during such further period as the board may in the manner hereinafter provided require in a particular case the employer shall furnish reasonable surgical [and] medical dental and nursing services hospital treatment artificial appliances medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer Provided That the injured employe following may at the expense of his employer not in excess of five dollars consult a physician of his own choice or upon written request to the board or a referee designated by the board and notice to the employer may be printed by the board to consult a physician of his own choice at any time during his disability the cost of such consultation to be paid by the employer in accordance with a schedule of charges to be prescribed and approved by the board Any such request shall be acted upon promptly either with or without a hearing and shall have preference over any other matter or proceeding pending before the board or the referee Upon the application of an injured employe the board may issue its order requiring the employer to furnish such further services hospital treatment medicines artificial appliances or supplies during such further period after the six months period as the board may in the interest of justice deem advisable In all cases where the employers physician advises the injured employe that no further medical services are required he shall furnish the injured employe with a certificate to this effect [The cost of such services medicines and supplies shall not exceed one hundred dollars ($100)] If the employer shall upon application made to him refuse to furnish such services hospital treatment appliances medicines and supplies the employe may procure the same and shall receive from the employer the reasonable cost thereof [within the above limitations In addition to the above services medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of thirty days The cost for such hospital treatment service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals] If the employe shall refuse [reasonable surgical medical and hospital] such services hospital treatment appliances medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal The employer shall also furnish to the employe or pay the cost of transportation to and from the place where such services are rendered and reimbursement for such costs assumed by the employe may be enforced as payments of compensation are enforced

(f) Should the employe die as a result of the injury the period during which compensation shall be payable to his dependents under section three hundred and [seven] five of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial Should the employe die from some other cause than the injury the liability for compensation shall cease

[(g) Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless conclusive proof is offered that the hernia was immediately precipitated by such sudden effort or severe strain that first the descent of the hernia immediately followed the cause· second there was actual pain in the hernial region third the above m[illegible]tations were of such severity that the same were [illegible]diately noticed by the claimant and communicated [illegible] employer or a representative of the employer within forty-eight hours after the occurence of the accident]

(g) If an employe receives an injury compensable under this act which of itself would not cause permanent total disability but which combined with a previous major permanent injury does in fact cause permanent total disability or if an employe who has previously suffered a major permanent injury receive an injury compensable under this act which of itself is a permanent injury or which either causes permanent total disability or results

in the death of such employe compensation for such further permanent injury total disability or death shall be paid out of the moneys to the credit of the second injury reserve account hereinafter created by this act in the State Workmen's Insurance Fund as follows

(1) In the case of further permanent injury not resulting in total disability either of itself or in combination with any prior major permanent injury the amount provided by clause (c) of this section for the particular type of the later permanent injury

(2) In the case of total disability resulting either from the later injury of itself or from such injury combined with any prior major permanent injury an amount equivalent to the difference between the compensation payable for any prior major permanent injury and the amount payable for total disability under clause (a) of this section

(3) In the case of death resulting from the later injury or from a combination of any prior major permanent injury and the later injury the amount payable under section three hundred five of this act in cases of death

The employer of any such employe shall be responsible for compensating the injured employe for the second injuries and in the manner prescribed in this sub-section but shall be relieved from the payment of compensation to such employe to the extent such compensation is paid under this subsection out of the second injury reserve account of the State Workmen's Insurance Fund

Such employer in order to obtain the benefits of this subsection shall file with the board a petition of agreed facts in the manner provided in section four hundred eleven of this act and thereafter the procedure shall be the same as in other cases except that the board may in its discretion act on such petition without a hearing For purposes of this subsection a "major permanent injury" shall mean all permanent injuries set forth in clause (a) of Section three hundred four exclusive of loss or loss of use of one or more fingers not amounting to loss of or loss of use of hand

Section [307] 305 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

(a) If there be either one or two children [thirty-three] thirty per centum of wages of deceased but not in excess of [seven] twenty-five dollars [and fifty cents] per week

(b) If there be three children [forty-four] forty-five per centum of wages of deceased but not in excess of [ten] twenty-five dollars per week

(c) If there be four children [fifty-five] sixty per centum of wages of deceased but not in excess of [twelve] twenty-five dollars [and fifty cents] per week

(d) If there be five or more children [sixty-two and one-half] sixty-five per centum of wages of deceased but not in excess of [fourteen] twenty-five dollars per week

[(e) If there be six or more children sixty-five per centum of wages of deceased but not in excess of fifteen dollars per week]

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [ten] twenty-five dollars per week

3 To the widow or widower if there be one child [fifty-five] fifty-nine per centum of wages but not in excess of [twelve and a half] twenty-five dollars per week

4 To the widow or widower if there be two or more children [sixty-two and one-half] sixty-five per centum of wages but not in excess of [fourteen] twenty-five dollars per week

[4½ To the widow or widower if there be three or more children sixty-five per centum of wages but not in excess of fifteen dollars per week]

5 If there be neither widow widower nor children entitled to compensation or if the widow widower or children are not receiving the maximum compensation payable under this act then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of [five] twelve dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be conclusively presumed and provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of [ten] seventeen dollar per week but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of twenty-five dollars per week in any one case

6. If there be neither widow widower children nor dependent parent entitled to compensation the following or if the widow widower children or dependent parents are not receiving the maximum compensation payable under this act then to the brothers and sisters until the age of eighteen if actually dependent to any extent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of twenty-five dollars per week in any one case

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding one hundred and fifty dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother and sister is under the age of [sixteen] eighteen unless such child brother or sister is dependent by reason of mental or physical disability in which case such compensation shall be paid to or on account of such child brother or sister until he or she reaches the age of eighteen or for five hundred weeks which ever is the longer period No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him for support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis if members of decedent's household at the time of his death and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow other than a nonresident alien widow the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case be taken to exceed [twenty-four] thirty-nine dollars per week nor be less than [twelve] eighteen dollars and fifty cents per week

This compensation shall be paid during [three] five hundred weeks and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of [three] five hundred weeks until such child reaches the age of [sixteen] eighteen at the rate of [seventeen and one-half

per centum of wages but not in excess of three dollars and seventy-five cents per week if there be one child twenty-seven and one-half] thirty per centum of wages but not in excess of [six dollars and twenty-five cents] ten dollars per week if there be one or two children [thirty-eight and one-half] forty-five per centum of wages but not in excess of [eight dollars and seventy-five cents] twelve dollars per week if there be three children [fifty] sixty per centum of wages but not in excess of [eleven dollars and twenty-five cents] fifteen dollars per week if there be four children and [fifty-five] sixty-five per centum of wages but not in excess of [twelve] seventeen dollars and fifty cents per week if there be five children or more [and sixty per centum of wages but not in excess of thirteen dollars and seventy-five cents per week if there be six children or more] The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section [308] 306 Except as hereinafter provided all compensation payable under this article shall be payable in periodical instalments as the wages of the employe were payable before the accident

All compensation payable under this article shall be paid only to employes or their dependents or their guardian or such other persons as may be designated by the board

Every employer or his insurance carrier shall file promptly with the department an original standard check voucher receipt in such form as shall be prescribed by the department for each payment of compensation made under this act

Any person copartnership association or corporation who or which violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay for each violation a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00)

Section [309] 307 Wherever in this article the term "wages" is used it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the [and] except that in the case of a minor permanently disabled the term "wages" shall be construed to mean the probable earning power such minor would have had at the age of twenty-one under normal conditions The term "wages" shall not include gratuities received from the employer or others nor shall it include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe but shall include board and lodging received from the employer Whenever the employe receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day for the purpose of computing wages In seasonable occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far to give a basis for the fair ascertainment of his average weekly earnings In continuous employments if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employe his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer Provided however That if the employe regularly and habitually worked more than five and one-half days per week the weekly wage shall be found by multiplying his average earnings for working day by six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employe is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation

In cases where the employe has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature of terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employe

Section [310] 308 Compensation under this article to alien dependent widows and children not residents of the United States shall be two-thirds of the amount provided in each case for residents and the employer may at any time commute all future instalments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and [sixteen] fourteen of this article Alien widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

Non-resident alien dependents may be officially represented by the Consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the Consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipt of such Consular officers shall be a full discharge of all sums paid to and received by them.

Section [311] 309 Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employe or some one in his behalf or some of the dependents or some one in their behalf shall give notice thereof to the employer within [fourteen] thirty days after the accident no compensation shall be due until such notice be given or knowledge obtained but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental inability or to fraud misrepresentation or deceit or to any other reasonable cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice [and unless such knowledge be obtained or notice given within ninety days after the occurrence of the injury no compensation shall be allowed] It shall be presumed that the employer had notice of any injury within the period prescribed in this section and the burden of proof shall be upon the employer to show otherwise

Section [312] 310 The notice referred to in section three hundred and [eleven] nine hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by

(name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the ( ) day of ( ) Anno Domini ( ) and that compensation will be claimed therefore

Date Signed ( )

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name received an injury the character of which is described in ordinary language in the course of or resulting from his employment on or about a time specified and at or near a place specified

Section [313] 311 The notices referred to in section [three hundred and two and section] three hundred and [eleven] nine hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Knowledge of the occurrence of the injury on the part of any of said agents shall be the knowledge of the employer

Section [314] 312 At any time after an injury the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the Board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the Board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the Board

Section [315] 313 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] two years after the the parties shall have agreed upon the compensation payable under this article or unless within [one year] two years after the one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [one year] two years after the date of death the parties shall have agreed upon the compensation under this article or unless within [one year] two years after the date of death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case or an employer has failed to report to the department the occurrence of an injury to his employe as required by law said limitations shall not take effect until the expiration of [one year] two years from the time of the making of the last payment or the filing of such report as the case may be

Section [316] 314 The compensation contemplated by this article may at any time be commuted by the Board at its then value when discounted at five per centum interest with annual rests disregarding the probability of the beneficiary's death upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherewise disposed of the whole or the greater part of his business or assets Except as provided in section three hundred and [ten] eight hereof and in this section no commutation of compensation shall be made

Any person partnership association or corporation who or which shall commute or attempt to commute any compensation directly or indirectly in violation of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or to undergo imprisonment for a period of not more than six (6) months or both in the discretion of the court

Section [317] 315 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this [State] Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employe or the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipt of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted In the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employe or the dependents of the deceased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representatives

Section [318] 316 The right of compensation granted by this article of this act shall have the same preference (without limit of money) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claim of creditors and from levy execution or attachment which exemption may not be waived

Section [319] 317 Where a third person is liable to the employe or the dependents for the injury or death the employer shall be subrogated to the right of the employe or the dependents against such third person but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Section [320] 318 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provisions of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employe shall be double the amount that would be payable to such minor if legally

exceed that provided for in case of legal employment may be referred to as "additional compensation"

(b) The employer and not the insurance carrier shall be liable for the additional compensation Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable It shall be deposited subject to the approval of the Board in any savings bank trust company or life insurance company in good standing and authorized to do business in this [state] Commonwealth

Where the amount of the future payments of compensation is uncertain the Board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer The amount may be redetermined by the Board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same Upon determination of the amount due it shall be deposited as above provided Payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made Provided however That the Board may in its discretion and upon inquiry as in cases of commutation accelerate such payments

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the [Bureau] department from the necessity of carrying insurance

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein

[(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act is an amendment in the manner prescribed by section three hundred and two of said act they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right or remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described]

Section 321 (a) In the case of an employe who dies as the result of an injury received in the course of or resulting from his employment and who leaves no dependents entitled to receive not in excess of five hundred dollars compensation under this act the employer or his insurance carrier as the case may be shall pay the sum of one thousand dollars ($1,000) to the department In order to enforce payment of such sum the department shall have power to file with the board a claim for the same in like manner as any claim for compensation may be filed under this act

(b) One-fourth of any amount received under this section by the department shall be paid by it into the Federal Rehabilitation Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the industrial rehabilitation account All moneys credited to the industrial rehabilitation account are hereby appropriated to the department for all expenses incurred by the department under the rehabilitation laws of this Commonwealth for the rehabilitation of injured employes who are entitled to compensation under this act and who are as a result of their injuries totally or partly incapacitated for remunerative employment in the line of employment they were employed at the time of injury

(c) The remaining three-fourths of any amount received by the department under this section shall be paid by it into the State Workmen's Insurance Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the second injury reserve account All amounts credited to the second injury reserve account are hereby appropriated to the department for the payment of the compensation provided in Clause (g) of section three hundred and four of this act

Whenever at the end of any fiscal year of the Commonwealth the total amount credited to the second injury reserve account shall exceed a sum equivalent to three times the average annual incurred liability of the account to employes or their dependents during the three preceding fiscal years the surplus amount shall upon requisition of the department be transferred to the Federal Rehabilitation Fund and credited to the industrial rehabilitation account in such fund All amounts so transferred shall be available and are hereby appropriated to the department for the same purposes for which moneys credited to such account are appropriated by subsection (b) of this section

ARTICLE IV
PROCEDURE

Section 401 The term "Referee" when used in this article shall mean Workmen's Compensation Referee

The term "Fund" when used in this article shall mean the State Workmen's Insurance Fund of this Commonwealth

The term "employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the fund of the employer be insured therein

Section 402 All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board All petitions shall be in writing and in the form prescribed by the board

Section 403 All petitions all copies of agreements for compensation and all [other] papers requiring action by the board shall be mailed or delivered to the [bureau] department at its principal office

Section 404 The [bureau] department shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee awards or disallowances of compensation or modification thereof and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board

Section 405 Immediately upon receiving from the board or any referee [any approval or disapproval of any agreement for or] any award or disallowance of compensation or any modification thereof or any other decision the [bureau] department shall serve a copy thereof on all parties in interest

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such other manner as the board shall direct For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and addressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act

The [bureau] department [the secretary] and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest

Section 407 On or after the [tenth] seventh day after any accident shall have occurred the employer and employe or his dependents may agree upon the compensation payable to the employe or his dependents under this act but any agreement made prior to the [tenth] seventh day after the accident shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void It shall be unlawful for any employer to accept a receipt showing the

payment of compensation when in fact no such payment has been made

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest

It shall be unlawful for any employer to procure or to cause to be procured the signature of any employe or of the dependents of any employe or of other persons in interest to any agreement or supplemental agreement which is not complete in every material respect and any employer so doing shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars ($100) for each offense

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any injured employe of whatever age or by any dependent to whom compensation is payable under section three hundred and [seven] five and who has attained the age of sixteen years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the [board] department of the incapacity of an injured employe has increased decreased recurred or temporarily or finally terminated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and an employe or his dependents as provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the [board] department within thirty days after execution by the claimant It shall be the duty of the [board] department to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employe together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Whenever an agreement or a supplemental agreement is disapproved by the department the employer shall pay to the employe compensation on the basis of such agreement to such extent as the agreement would if approved require compensation on the basis of such agreement shall be paid until such time as the employer's liability for compensation is finally determined under the provisions of this act Any payments made by an employer in accordance with such agreement shall discharge pro tanto his liability for such compensation as may be subsequently determined to be due the employe under the provisions of this act

An employer who shall fail to mail or deliver to the department two copies of any agreement or supplemental agreement within thirty days after such agreement or supplemental agreement is executed by the claimant shall upon conviction thereof in a summary preceeding be sentenced to pay a fine of twenty-five dollars ($25.00) for each such failure

Section 410 If after any the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents or the department for and on behalf of such employe or his dependents whenever an agreement or supplemental agreement has been disapproved by the department or it shall otherwise deem it to be in the interests of justice to do so may present a claim for compensation to the board "board" the following All allegations contained in the claim petition must be separately and specifically admitted or denied by the defendant Claimant shall have a right upon a petition to the referee and his order thereon to inspect the premises where the claimant alleges the injury was received

Whenever any claim for compensation is presented to the board other than claims of nonresident alien dependents and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum beginning fourteen days after the date of the accident and such interest shall be payable to the same person as the compensation is payable.

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependent shall on or after the [tenth] seventh day after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefor to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party or by the department with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was procured prior or subsequent to the effective date of this act by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed [Provided That except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated during the time such agreement or award has to run if for a definite period and except in the case of eye injuries no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within one year after the date of the last payment of compensation with or without an agreement]

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim-petition.

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award [in whole or] to such extent as the facts alleged in the petition would if proved require except that the filing of a petition relative to a change in the disability of an injured person shall not act as a supersedeas unless such petition contains an affidavit by a physician that he has examined the claimant a percentage estimate of the extent of disability according to a schedule which shall be fixed by the board and that the petitioner in his opinion is entitled to the relief prayed for in the petition

Section 414 Whenever a claim-petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing Provided however That petitions presented under

section four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board

The [secretary] department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or may reassign it to any other referee Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assignd to a referee an answer in the form prescribed by the board

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition Such hearing shall not be less than five nor more than fourteen days after the mailing of notice thereof by the referee The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearing such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require the findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a rehearing

Section 419 The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original referee

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer The board or referee with the consent of the board [may] shall whenever it shall be deemed in the interest of justice to do so appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such

The board shall fix the compensation of such physicians surgeons and experts which when so fixed [shall be paid out of the sums appropriated to the Department of Labor and Industry for the maintenance of the department and] shall be taxed as part of the costs of the proceedings [to be repaid to such department by either party or both as the board may direct If any sum so taxed shall not be paid by the party directed to repay the same may be collected as costs are now collectible] and shall be paid by the employer to the physician surgeon or expert If any employer shall fail to pay such cost promptly the physician surgeon or expert may proceed to collect the same in the manner provided in this act for the collection of awards of compensation

Section 421 All hearings before the board or one or more members thereof or before a referee shall be public

The official stenographic notes taken at a hearing shall be transcribed and a copy thereof furnished to the employer and the claimant the cost of which shall be taxed as a cost of the proceedings and shall be paid by the employer If any sum so taxed is not paid by the employer the same may be collected as costs are now collectible

The board or a referee shall assess against each employer or claimant five dollars ($5.00) for each postponed or continued hearing held at the request of such employer or claimant but may if it shall be deemed to be in the interest of justice to do so waive any such amount assessed against any claimant

Section 422 Neither the board nor any of its members nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon competent evidence

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Section 423 Any party in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) That the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committed any other error of law (2) that the findings of fact and award or disallowance of compensation was unwarranted by the evidence or was procured by fraud coercion or other improper conduct of any party in interest The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as hereinbefore provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so found by it may require

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest

As soon as may be after any such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing de novo before the board or one or more of its members or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation If the board shall grant a hearing de novo it shall fix a time and place for same and shall notify all parties in interest

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act

Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county of this Commonwealth to [whom] which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling or has sustained or reversed any action of a referee the time for taking appeals shall be suspended pending the determination of the first petition for rehearing in those cases in which such petition is filed within twenty days from notice of decision of the Workmen's Compensation Board [but such rehearing shall not be granted more than one year after the board has made such award disallowance or other order or ruling or has sustained or reversed any action of the referee] If the board shall grant a rehearing of any petition from [the board's] its action on which an appeal has been taken to and is pending in the of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board [Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article]

Section 427 Any party may appeal from any action of the board on matters of law to the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the court of common pleas of any other county of this Commonwealth Such appeal must be brought within twenty days after notice of the action of the board has been served upon such party unless any court of common pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of the referee sustained by the board which he alleges to be unsupported by competent evidence

Upon filing of the notice of an appeal the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari directed to the [Workmen's Compensation Board] board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken The writ so issued shall be mailed by the prothonotary to the [bureau] department at Harrisburg together with a copy of the exceptions The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the notes of testimony

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall the prothonotary of such court shall within ten days certify the order of the court to the prothonotary of the court of common pleas of the county wherein the employer resides whose duty it shall be to enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future instalments If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that the board may order that any part of the testimony taken in the original proceedings may be considered as though taken in such further hearing

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel At the end of the period hereinafter allowed for an appeal from the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court

Any party may appeal to the Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment irrespective of the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the common pleas Any appeal from the action of the board to a court of common pleas and from it to the Superior Court shall take precedence over all other civil actions The judgment of the Superior Court shall be final unless an appeal therefrom is allowed by the Supreme Court as in the cast of other judgments of [that tribunal] the Superior Court

Section 428 At any time after the approval of a compensation agreement or after an award or order has been made by the board or referee the department the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents whether then due and accrued or payable in future instalments as a judgment against the employer or other party liable under such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Whenever after an accident any employe or his dependents shall have entered into a compensation agreement with his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the court of common pleas of any county The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer If the agreement be approved

by the board or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed In such cases the prothonotary shall make such modification of the record as shall be appropriate

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the board or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the court of common pleas of any county in which such judgment is on record a certified copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothonotary to modify suspend reinstate or satisfy such judgment in accordance with the terms of such supplemental agreemental agreement award or order

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved or such award made as evidenced by the aproval of the board of the award or by a certified copy thereof

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed of record in any county of this Commonwealth in accordance with the provisions of section four hundred and twenty-eight of this article or against whom judgment has been entered by the prothonotary of the court of common pleas of any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced Upon the presentation of such certificate to the prothonotary of the court of common pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the court of common pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payments so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and [seventeen] fifteen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note

Section 432 It shall be the duty of the prothonotary of each court of common pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article

Section 433 A document on file in the [bureau] department or with the board or any referee or part of the record of any proceedings taken under Articles III and IV of this act shall be proved by a copy thereof certified by the chairman of the board and attested by the secretary of the board under seal of the board.

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated shall be prima facie evidence of the termination of the employers liability to pay compensation under such agreement or award Provided however That the board or a referee designated by the board may at any time set aside a final receipt upon petition filed with the board if it be proved that such receipt was procured by fraud coercion or other improver conduct of a party or is founded upon mistake of law or of fact or upon erroneous judgment on the part of the employe of his ability to work

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental and nursing services hospital treatment artificial appliances medicines and supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicines and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 436 The board or a referee designated by the board or any court of this Commonwealth in granting an award of compensation to an injured employe or his dependents or in affirming or modifying and affirming such an award or in reversing the disallowance of such an award shall in addition to such compensation include in such an award or judgment expert's fees if any and reasonable attorney's fees for professional services if any rendered by an attorney-at-law to such employe or his dependents in any such proceeding payment of which may be enforced in the same manner as the payment of an award may be enforced under the provisions of this act

ARTICLE V

GENERAL PROVISIONS

Section 501 No claim or agreement for legal services

or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid in any other respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the Board Any such claim or agreement shall be filed with the [Bureau] department which shall as soon as may be notify the person by whom the same was filed of the Board's approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursements

Section 502 All of the expenses of the department the board and various workmen's compensation referees incurred in connection with the administration and enforment of this act the following and the Act approved the eighteenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand forty-five) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation" and paid out of the General Fund of the State Treasury shall be charged to and paid by way of reimbursement by all employers or if they are insured by their insurance carriers in such equitable amounts at such times and in such manner as the department shall by general rule or regulation prescribe

The department shall give written notice to each empliyer or his insurance carrier as the case may be of the amount lawfully charged against him under the provisions of this section Each employer or his insurance carrier shall pay the amount of such assessment to the department within thirty days after such notice If payment is not made by such employer or his insurance carrier within such thirty-day period the department through the Department of Justice may institute an appropriate action at law for the amount lawfully assessed against such employer or insurance carrier together with an additional costs incurred by the department or the Department of Justice by virtue of such failure to pay

The moneys in the State Workmen's Insurance Fund are hereby specifically appropriated for the purpose of paying assessments charged to it under this section

All assessments and costs received collected or recovered under this section shall be paid by the department into the General Fund of the State Treasury through the Department of Revenue

Section [502] 503 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act [except] provided that articles two and three are hereby declared to be inseparable and as one legislative thought and if either article be declared by such court void or inoperative in an essential part so that the whole of such article must fall the other article shall fall with it and not stand alone

Section 504 All fines received collected or recovered under the provisions of this act shall be paid to the department and by it paid into the State Workmen's Insurance Fund to the credit of the second injury reserve account created in such fund by this act and such fines are hereby appropriated for the same purposes for which the moneys credited to such account are appropriated by this act

Section [503] 505 Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect

Section [504] 506 The following acts are hereby specifically repealed

The Act approved the third day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of 1915' to exempt domestic servants and agricultural workers from the provisions thereof"

The Act approved the fourteenth day of May one thousand nine hundred twenty-five (Pamphlet Laws seven hundred fourteen) entitled "A supplement to an act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

[Section 505 This act shall not apply in the case of an accident occurring prior to the first day of January next succeeding its passage and approval]

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 16, line 1, by underscoring the first "the".

Amend page 20, line 20, by striking out (Section) and inserting after the word "this" the following: "section"

Amend page 21 line 26 by striking out (or great toe).

Amend page 21, line 27, by inserting after the word "thumb" the following: "or great toe"

Amend page 22, line 7, by striking out (first) and striking out (a) following the word "or"

Amend page 24, line 7, by striking out (following)

Amend page 24, line 25, by striking out (employers) and inserting before the word "physician" the following: "employer's"

Amend page 26, line 27, by underscoring the word "follows"

Amend page 27, line 26, by striking out (the) following the first "the"

Amend page 27, line 28, by making a new paragraph following the word "hearing" as follows: "For purposes of this sub-section a "major perma-

Amend page 28, line 1, by striking out ((a)) and inserting after the word "clause" the following "(c)"

Amend page 28, line 2, by inserting after the word "fingers" the following: "or toes"

Amend page 28, line 3, by inserting after the word "hand" the following: "or foot."

Amend page 28, line 1, by striking out (Section) and inserting after the first "of" the following: "section"

Amend page 30, line 5, by striking out (the following).

Amend page 39, line 11, by striking out (Board) and inserting after the first "the" the following: "board"

Amend page 40, line 1, by striking out (Board) and inserting after the word "the" the following: "board"

Amend page 40, line 10, by striking out (Board) and inserting after the word "the" the following: "board"

Amend page 41, line 4, by striking out (Board) and inserting after the word "the" the following "board"

Amend page 44, line 13, by striking out (Board) and inserting after the word "the" the following: "board"

Amend page 44, line 17, by striking out (Board) and inserting after the first "the" the following: "board"

Amend page 44, line 23, by striking out (Board) and inserting after the word "the" the following: "board"

Amend page 45, line 1, by striking out (Board) and inserting after the word "the" the following: "board"

Amend page 52, line 10, by striking out ("board" the following).

Amend page 52, line 23, by striking out (person) and inserting after the word "same" the following: "persons"

Amend page 62, line 2, by striking out (disllowance) and inserting after the first "or" the following: "disallowance"

Amend page 64, line 15, by inserting before "the" the following: "("

Amend page 66, line 11, by underscoring the following: "department the"

Amend page 66, line 25, by striking out (Whenever) and inserting the following: "Wherever"

Amend page 71, line 11, by striking out (employers) and inserting after the word "the" the following: "employer's"

Amend page 71, line 14, by striking out (side) and inserting after the word "set" the following: "aside"

Amend page 73, line 7, by striking out (Board) and inserting after "the" the following: "board"

Amend page 73, line 10, by striking out (Board's) and inserting after the word "the" the following: "board's"

Amend page 73, line 24, by striking out (the following).

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective sixty days after the date of its final enactment

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by making the present schedules of compensation compulsory upon all employers changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1552, as follows:

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May one thousand nine hundred and eleven Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended eliminating the provision which requires that county and district superintendents of school shall have had three years experience in a supervisory or administrative capacity

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one hundred and three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twenty-two of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) is hereby further amended to read as follows

Section 1103 No person shall be eligible for election or appointment as a county district or assistant county or district superintendent or associate superintendent unless he holds a diploma from a college or other institution approved by the State Council of Education of this Commonwealth

Provided That no person shall be elected or appointed a county district or assistant county or district superintendent or associate superintendent who has not had six years successful teaching experience [not less than three of which shall have been in a supervisory or administrative capacity] Any provided further That he has completed in a college or university a graduate course in education approved by the State Council of Education And provided further That serving either as county district or assistant county or district superintendent or associate superintendent in this Commonwealth at the time this act becomes effective shall be considered sufficient qualification for any of the aforesaid offices.

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1692, as follows:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" limiting the time within which claims for refunds must be made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county

commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commowealth of Pnnsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever hereafter any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into a county treasury directly or indirectly any tax or taxes on real or personal property under an assumption that such taxes were due and owing when in fact such taxes or a part thereof were not due and owing to the county then in such cases the county commissioners upon due proof of any such erroneous or inadvertent tax payments are hereby authorized to draw their warrant on the county treasurer in favor of such person or corporation to make refund of such tax or taxes to which the county has no valid claim out of the county funds if such claim for refund is made within two years from the time such erroneous or inadvertent payment was made

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1475, as follows:

An Act to amend section one hundred and fifty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the commissions of the county treasurer in certain counties for receiving and paying over malt liquor license moneys

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred and fifty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 150 Compensation in Certain Counties In counties where no annual salary is fixed by law for the county treasurer he shall receive in full compensation for his services on behalf of the county a certain amount per centum of all moneys received and paid by him which rate shall be settled from time to time by the county commissioners with the approbation of the county auditors On moneys received for the issuance of malt liquor licenses and paid over to cities boroughs towns and townships the treasurer shall be entitled to a commission of two per centum for his services in receiving and paying over said moneys

Section 2. This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1886, as follows:

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any magistrate alderman or justice of the peace after hearings holds any person accused of any violation of any law or laws of the Commonwealth for the action of the grand jury such magistrate alderman or justice of the peace shall ask such person for the names and addresses of two persons whom he or she desires to be notified of the time of his or her trial and when given such names and addresses shall be noted upon the record and made part of the transcript returned by said magistrate alderman or justice of the peace as required by law.

Section 2 The district attorney of the county wherein such hearing was held shall before the time fixed for the trial of such person mail postal card notices of the time and place fixed for such trial to the persons whose names appear upon such transcript to the address or addresses given thereon

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2222, as follows:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor shall annually issue his proclamation designating and calling upon the public schools of this Commonwealth to observe Free School Day in commemoration of the founding and development of free public schools within this Commonwealth Said Free School Day shall be designated and observed each year between the dates of April first and April eleventh both days inclusive In pursuance to said proclamation of the Governor appropriate exercises with respect to and special study concerning the founding and development of free public schools within this Commonwealth and the recognition of the efforts and achievements of Honorable George Wolf former Governor of this Commonwealth Honorable Samuel Breck former State Senator Honorable Thaddeus Stevens a member of the Legislature relative thereto shall be held in the public schools and other educational institutions within this Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2064, as follows:

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That the Pennsylvania State Police shall have the power and its duty shall be to conduct at the State Police Training School courses of instruction for the proper training of persons to act as policemen for the several political subdivisions of the Commonwealth Subject to the provisions of this act the Superintendent of the Pennsylvania State Police is hereby authorized to establish standards of proficiency training and discipline for persons attending such school and to issue certificates of qualification to graduates of the various courses of instruction The Superintendent with the approval of the Governor shall employ such instructors and other employes as may be necessary for the purposes of this act

Section 2 All persons desiring admission to such school for the purpose of instruction shall submit applications to the Superintendent of the Pennsylvania State Police bearing the recommendation of the mayor of any city or the chairman of the police committee of any city or borough council or the burgess of any borough or the sheriff or the district attorney of any county No application shall be considered unless such applicant

(a) Is a male citizen of the United States of America

(b) Has good moral character and good health

(c) Is at least five feet eight inches tall and weighs at least one hundred forty-five pounds

(d) Is a graduate of a public high school or has an education equivalent thereto

Section 3 The Superintendent of the Pennsylvania State Police shall establish and charge each student a fee sufficient to cover the cost of the board laundry and supplies applicable to such student Such fee shall be payable in advance in monthly installments but shall not exceed the sum of forty dollars ($40.00) per month

All moneys received or collected hereunder shall be paid into the General Fund of the State Treasury through the Department of Revenue and shall be added and credited to the current biennial maintenance appropriation to the Pennsylvania State Police and shall be available and is hereby appropriated for the same purposes for which such current biennial appropriation is available

Section 4 The sum of twenty thousand dollars ($20,000) or as much thereof as may be necessary is hereby appropriated to the Pennsylvania State Police for the two fiscal years beginning June first one thousand nine hundred thirty-five for payment of the salaries wages or other compensation of such instructions or other employes as may be necessary for the proper conduct of the work of the Pennsylvania State Police under the provisions of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2066, as follows:

An Act to further amend section six of the act approved the third day of June one thousand nine hundred nineteen (Pamphlet Laws three hundred sixty-six) entitled "An act reorganizing the Department of State Police creating therein a Bureau of Fire Protection providing for a State Police Force and defining the powers and duties of the same including the enforcement of laws relating to game fish forestry and water supply and certain other laws and including the collection of information useful for the detection of crime and the apprehension of criminals providing for the equipment maintenance and transportation of such police providing for barracks and substations therefor and prescribing penalties" by increasing and revising the personnel of the State Police Force

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the third day of June one thousand nine hundred nineteen (Pamphlet Laws three hundred sixty-six) entitled "An act reorganizing the Department of State Police creating therein a Bureau of Fire Protection providing for a State Police Force and defining the powers and duties of the same including the enforcement of laws relating to game fish forestry and water supply and certain other laws and including the collection of information useful for the detection of crime and the apprehension of criminals providing for the equipment maintenance and transportation of such police providing for barracks and substations therefor and prescribing penalties" as last amended by the act approved the third day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirty-nine)is hereby further amended to read as follows

Section 6 The Superintendent of State Police is authorized to appoint the State Police Force which shall consist of One school troop consisting of One captain at a salary of three thousand dollars per annum [two lieutenants each] one lieutenant at a salary of twenty-two hundred dollars per annum one sergeant at a salary of seventeen hundred dollars per annum two corporals each at a salary of fifteen hundred dollars per annum five troops each consisting of A captain at a salary of three thousand dollars per annum a lieutenant at a salary of twenty-two hundred dollars per annum a first sergeant at a salary of two thousand dollars per annum five sergeants each at a salary of seventeen hundred dollars per annum ten corporals each at a salary of fifteen hundred dollars per annum one of whom shall be a saddler and one a blacksmith [and sixty-five privates each at a salary of fourteen hundred dollars per annum] forty privates first-class each at a salary of fourteen hundred dollars per annum and forty privates second-class each at a salary of ten hundred and eighty-dollars per annum a detective division consisting of one lieutenant at a salary of twenty-two hundred dollars per annum two sergeants each at a salary of seventeen hundred dollars per annum and ten detectives each at a salary of fifteen hundred dollars per annum No private now a member of the State Police Force shall be reduced to the grade of private second-class and no private second-class shall be promoted to the grade of private first-class until there is a vacancy under the provisions of this act

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2293, as follows:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

Section 1 Be it enacted by the Senate and House of Representatives in General Assembly met and it is hereby enacted by the authority of the same That the consent of the Commonwealth of Pennsylvania is hereby granted to the purchase by the Government of the United States of certain tracts of land containing approximately three hundred sixty-eight acres for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States said tracts of land being situate in

Caln Township Chester County Pennsylvania and bounded and described as follows to wit

TRACT NO 1

BEGINNING at an iron pin set in the center line of the Philadelphia and Lancaster Turnpike at a corner of land of the S Hatfield Estate thence extending along the center line of said Highway South eighty-four degrees one minute thirty seconds West nine hundred seventy-three and eight tenths feet to an iron pin thence North five degrees fifty-eight minutes thirty seconds West twenty-four and seven tenths feet to an iron pin set on the North side of said Pike thence extending along land conveyed to the Philadelphia and Lancaster Turnpike Company North seventy-seven degrees fifty-four minutes West six hundred six and two tenths feet to an iron pin thence by land of the Pennsylvania Railroad South thirty-four degrees fifty-one minutes West eighty-five feet to an iron pin set in the North right of way line of the Pennsylvania Railroad thence extending along said right of way line in a Westerly direction by a curved line curving toward the North with a radius of five thousand six hundred eighty feet the chord of the arc being North seventy-four degrees thirty-three minutes twenty seconds West six hundred five and thirty-six hundredths feet to an iron pin thence extending along land of the Coatesville Foundry and Machine Company North no degrees fifty minutes West one thousand four hundred seventy-nine feet to an iron pin a corner of land belonging to Dr S Horace Scott thence extending along the Scott land North no degrees forty-three minutes twenty seconds West two thousand one hundred thirty-nine and fifty hundredths feet to a lime stone a corner of land belonging to George Irwin and also a corner of land of the S Hatfield Estate thence extending along land of the Hatfield Estate North eighty-nine degrees twenty-seven minutes thirty seconds East nine hundred eighty-eight and eight one hundredths feet to a stone a corner of land belonging to the Young Estate North eighty-nine degrees forty-seven minutes ten seconds East one thousand two hundred sixteen and sixty-two hundredths feet to an iron pin or stone a corner of land belonging to the S Hatfield Estate thence extending along the Hatfield Estate passing over an iron pin set in a Chestnut stump known formerly as the Bee Tree and also passing fifteen and five tenths feet East of a Walnut tree just North of the Philadelphia and Lancaster Turnpike South no degrees thirty-six minutes ten seconds East three thousand seven hundred seventy-three and ninety-seven hundredths feet to the first mentiond point and place of beginning

CONTAINING one hundred ninety and eight hundred ninety-five thousandths acres of land be the same more or less According to a survey thereof made by Thomas G Colesworthy County Surveyor of the above County December one thousand nine hundred twenty-eight

TOGETHER WITH all right title and interest if any in a strip of land being the Northern half of the road bed of the Philadelphia and Lancaster Turnpike bounded on the South by the Pennsylvania Railroad Company on the North by the Philadelphia and Lancaster Turnpike Company and on the East by the course described above as North five degrees fifty-eight minutes thirty seconds West twenty-four and seven tenths feet

ALSO TOGETHER WITH all right title and interest if any in the three parcels or tracts of land as particularly set out in deed Elizabeth F Beale et al to the Philadelphia and Lancaster Turnpike Company dated the seventeenth day of April one thousand eight hundred eighty-four and recorded in Deed Book X-nine page seventeen et cetera

UNDER AND SUBJECT NEVERTHELESS to Right of Way of West Chester Street Railway Company along above described premises abutting the Philadelphia and Lancaster Turnpike Company more particularly described as by reference to agreement dated June forth one thousand nine hundred six Joseph Beale et al and (with) West Chester Street Railway Company

BEING the same premises which John Park by indenture bearing date the twenty-second day of July one thousand eight hundred fifty-three and recorded in the Office for the Recording of Deeds in and for the County of Chester Pennsylvania in Deed Book U-5 Page 1 granted and conveyed unto James M Beale in fee

TRACT NO 2

BEGINNING at a stone a corner of land of James M Beale deceased formerly of Doctor Frances Gardner and land of Thomas C Young deceased formerly of Richard Hoskins thence along said land of James M Beale deceased South eighty-four degrees and forty-five minutes West (S 84° 45′ W) nine hundred and sixty-two (962) feet to a stone a corner of land of George Irwin thence along said land of George Irwin and land of Timothy Toomey formerly of Samuel Lawrence North four degrees and thirty minutes West (N 4° 30′ W) eight hundred seventy-four and five tenths (874.5) feet to a point another corner of land of Timothy Toomey thence along the same and land of Thomas C Young deceased formerly of Richard Hoskins North ninety degrees East (N 90° E) nine hundred sixty three and six tenths (963.6) feet to a point another corner of land of Thomas C Young deceased thence along the same South four degrees and thirty minutes East (S 4° 30′ E) seven hundred and ninety-two (792) feet to the place of beginning

CONTAINING eighteen and four tenths (18.4) acres of land be the same more or less According to a new survey thereof made by George Rommel Jr C. E. dated December one thousand nine hundred twenty-eight

BEING the same premises designated as "The Other Tract" of Lot No. 1 which Deborah Coates Administratrix and Preston Coates and Lindley Coates Administrators of Seymour Coates deceased by deed dated December thirty-one one thousand eight hundred thirty-one and duly recorded in the office of the Recorder of Deeds of Chester County Pennsylvania in Deed Book E-four Volume seventy-seven Page two hundred sixty-six granted and conveyed unto Samuel Hatfield in fee

TRACT NO 3

BEGINNING at a point in the public road leading from Coatesville to Brandywine Manor and extending thence along said road by land of Ernest Pyle and William Holstein north two degrees and fifteen minutes east forty and one tenth perches to a point at or near the middle of the said road thence leaving said road by land of McClease south eighty-eight degrees and twenty minutes west one hundred fifty-five and four-tenths perches to a corner of said land and in a line of land of Timothy Toomey thence by said Toomey's land south three degrees and forty minutes west one hundred fifty-seven and fifty-eight one hundredths perches to a stone a corner of said line and in a line of land of Gilbert Hatfield's Estate thence by the latter south eighty-three degrees and five minutes east nineteen and three tenths perches to a stone thence still by the same crossing a public road south two degrees and ten minutes west forty-eight and eight tenths perches to a stone a corner of said land and in a line of land of James Beale's Estate thence along said Beale's Estate land south eighty-eight degrees and thirty minutes east eighty five and one tenth perches to a corner of William W Thompson's land thence by the same (and land formerly School Land now Thompson's) north two degrees east forty-nine and six one hundredths perches to a point in the south side of the public road thence along said road by land formerly school land north eight-one degrees and fifty minutes east fourteen and one tenth perches to a point at the intersection of another public road leading from Caln to Brandywine Manor thence along said last mentioned road by land of William W Thompson north fifty-seven degrees and twenty minutes east twelve perches and by same north fifty degrees and forty minutes east twenty-eight perches to a point in the Old Lancaster Road thence along said Old Lancaster Road by land of Milton M Berry and Maude E Werntz respectively north fifty-one degrees and twenty-five minutes west fifty-four and two-tenths perches to a corner of said Werntz land thence by the same leaving said road north one degree and fifteen minutes west sixty-seven perches to a stone a corner of said Maud E Werntz's land and still by the same north eighty-eight degrees and twenty minutes east fifty-three perches to the place of beginning

CONTAINING one hundred and sixty acres and twenty-five perches of land (160 acres and 25 perches) more or less by a survey made December one thousand nine hundred twenty-eight by Jerre P Trout

BEING PART of the same premises which Robert L Hayes Esquire High Sheriff of Chester County Pennsylvania by deed Poll dated and acknowledged September second one thousand eight hundred ninety-seven and entered in the Court of Common Pleas of said county in Sheriff's Deed Docket Number eleven Page sixty-nine granted and conveyed unto the said Thomas C Young in fee

Section 2 Exclusive jurisdiction over the lands so purchased is hereby ceded to the United States by the Commonwealth of Pennsylvania and said lands shall be exempt from the payment of all taxes State and local Provided That the Commonwealth of Pennsylvania shall retain a concurrent jurisdiction with the United States over the lands so acquired by the United States for the purpose of serving of all civil processes And provided further That such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes committed without the area so acquired may be executed therein in the same manner as though this cession had not been granted

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 269, as follows:

An Act providing financial assistance for certain residents of this Commonwealth over fifty years of age who are not gainfully employed and who do not have a certain income establishing claims against the estates of such persons for assistance received requiring a certain per centage of the assistance received to be expended monthly creating and defining the powers of the citizens retirement board and defining the powers of the Department of Labor and Industry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Effective Date This act shall be known and may be cited as the Citizens' Retirement Law This act shall become effective on the first day of January one thousand nine hundred and thirty-six

Section 2 Definitions As used in the this act the following words and terms shall be construed to mean

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Board" shall mean the "Citizens Retirement Board" a departmental administrative board in the Department of Labor and Industry

"Fund" shall mean the "Citizens' Retirement Fund" a special fund in the Treasury Department into which shall be paid the revenue derived from income taxes imposed by law for the support of the Citizens' Retirement System and moneys derived from estates under the provisions of this act

"Superannated person" shall be a person over fifty years of age who is not gainfully employed has been a resident of this Commonwealth continuously for at least fifteen years prior to retirement under this act and who is not an inmate of a State county city or poor district correctional or mental health institution or hospital or poor district home or almshouse

"Dependent child" shall mean a child under eighteen years of age not gainfully employed or a child regardless of age who is so physically or mentally handicapped as to be unable to earn a livelihood

Section 3 Creation of Board The board shall consist of the Secretary of Labor and Industry ex-officio and three citizens of the Commonwealth appointed for terms of four years each from the dates of their respective appointments and until their successors are appointed and qualified The members of the board shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the performance of their duties Vacancies in the membership of the board shall be filled for unexpired terms by the Governor

Section 4 Employes of Board The Secretary of Labor and Industry shall appoint a director an actuary an investment expert and such other assistants investigators and employes as may be deemed necessary to administer the provisions of this act and shall fix their compensation according to standards established by the Executive Board

Section 5 Expenses of Administration The expenses of the administration of this act exclusive of the assistance to superannuated persons shall be paid by the Commonwealth by biennial appropriations from the General Fund on the basis of estimates submitted by the board through the department

Section 6 General Powers and Duties of Board The board shall have power and its duty shall be

(a) To carry into effect and comply with the provisions of the Administrative Code applicable generally to departmental administrative boards and commissions

(b) Keep in convenient form such data as shall be necessary for actuarial valuation purposes

(c) Cause to be made from time to time such actuarial investigation as may be necessary to keep the fund sound and pay the assistance required by this act

(d) Adopt for the system one or more mortality tables

(e) Prepare and have published annually a financial report showing the condition of the fund and containing such facts data and recommendations as may be deemed pertinent

(f) Keep full minutes of its proceedings which shall be open to public inspection

(g) Adopt such rules and regulations as are deemed necessary to properly administer the provisions of this act

(h) Have the exclusive control and management of the fund and the investment of the moneys therein subject however to conditions and limitations imposed by law on investments by departmental administrative boards and commissions

(i) Have control over the sale of investments held in the fund

(j) Grant modify and change assistance to any superannuated person and revoke any assistance granted for proper cause

Section 7 Certain Interests by Members and Employes of Board Prohibited No member or employe of the board shall have any interest directly or indirectly in the gains or profits of any investment made by the board No member or employe of the board shall for himself or others borrow any money from the fund No member or employe of the board shall knowingly falsify or permit to be falsified any record or records in the office of the board in an attempt to defraud the fund or for any other reason The board shall have power to order corrected any record of the board which has been falsified or incorrectly made whether knowingly or unintentionally

Section 8 Persons Entitled to Assistance Monthly Assistance Superannuated persons shall be entitled to assistance under the provisions of this act from the fund established by law for such purposes Any superannuated person shall be entitled to assistance as provided for the group to which the person belongs as follows

Group A This group consists of the heads of families that is a superannuated husband or a superannuated widower or a superannuated widow such head of a family in either case having one or more dependent children Assistance for the head of a family under this group shall be one hundred dollars ($100) per month

Group B This group also consists of the heads of families that is a superannuated husband having a wife but having no dependent children Assistance for the head of a family in this group shall be seventy-five dollars ($75) per month

Group C This group consists of single superannuated persons without families or having families do not come

in the class of dependents of such families and of separated husbands and wives and divorced husbands and wives but where a husband and wife have been divorced for ten or more years they shall be deemed single persons Assistance for a single superannuated person shall be fifty dollars ($50) per month

Group D This group consists of men and women who have been divorced for less than ten years and also husbands and wives who have separated and are not living in the bonds of matrimony Assistance for such persons having one or more dependents shall be sixty-three dollars and fifty cents ($63.50) per month for the one supporting dependents and thirty-seven dollars and fifty-cents ($37.50) for any person not having dependents

Group E This group shall be known as the institutional group and consists of superannuated persons being cared for and maintained in private benevolent and charitable homes and institutions Assistance for a superannuated person in the institutional group shall be twenty-five dollars ($25) per month

The monthly assistance to any superannuated person in any group shall be reduced by the amount of his or her net income monthly from any other source whatever and shall be adjusted from time to time as such income increases or decreases

A home owned and occupied solely by a family or single person and from which no income whatever is received shall not be calculated as income under the provisions of this act

No superannuated person whose income exceeds the assistance for the group to which he or she belongs shall be eligible to assistance but assistance may be granted at any time where the income falls below that fixed for the group to which such persons belongs

Section 9 Claims Against Estates of Persons Receiving Assistance Upon the death of any superannuated person receiving assistance under this act leaving an estate the Citizens' Retirement Fund shall be deemed a creditor of said estate in preference to all other creditors except (1) the expenses of the administration of the estate (2) the widows' and childrens' exemption allowed by law (3) funeral expenses and (4) the expenses of the last illness of the superannuated person The claim of the fund against any such estate shall be the total amount of assistance granted to such deceased superannuated person during his or her life time under the provisions of this act without interest Provided however That such claim of the fund shall not be available against the part of the estate of the deceased consisting of real estate used solely as a homestead and in case the homestead is a farm then the homestead shall be deemed to consist of the house and barn and five acres of land and the claim of the fund shall be available against the remainder of such farm if any The amounts recovered from estates shall be paid into the Citizens' Retirement Fund

Section 10 Registration of Persons over Fifty Years of Age Every resident of this Commonwealth fifty or more years of age upon the effective date of this act or thereafter becoming fifty years of age regardless of length of residence in the State shall register with the board upon a form prepared and furnished by the board which shall set forth (a) the name of the person registering (b) residence by city borough town township post office street and number (c) whether married divorced separated widow widower or single (d) the number of dependents if any (e) place and date of birth (f) whether gainfully employed and where (g) whether the person registering desires assistance under this act (h) present monthly income and (i) such other information as the board may require

Every such registration shall be sworn to and subscribed by the person filing the same and any wilfully false statement therein shall constitute perjury

Where a husband registers under the provisions of this section it shall be unnecessary for his wife to register separately The board may make provisions for a joint registration by husband and wife

A person declining assistance or who is not entitled to assistance at the time his registration is filed may thereafter become eligible for assistance on his original registration if his status changes and he becomes eligible

Section 11 Investigation of Registrations The board shall cause such registration filed showing a registrant to be a superannuated person entitled to assistance to be investigated and may require such documentary proof of eligibility as is deemed necessary In investigating those entitled to assistance the more aged shall be first preferred The investigations shall proceed as rapidly as the circumstances will permit and when completed in any case shall be laid before the board with the recommendations of the investigator for acceptance or rejection

No assistance shall be granted for any month prior to the month of January one thousand nine hundred and thirty-seven

Section 12 Transfer of Property and Effect Thereof Any person who subsequently to the final enactment of this act irrespective of the effective date thereof transfers any property real or personal in order to become eligible under this act or in any case where the board is satisfied that a transfer of property was made by a person in order to become eligible for assistance shall forever be debarred from assistance under this act

Section 13 Publication of Names of Persons Requesting Assistance The board shall cause to be published from time to time in newspapers circulating generally in the locality of residence the names of all persons applying for assistance under this act and such publication shall be made prior to the time any assistance is granted

Section 14 When Assistance to be Granted Monthly Expenditures by those receiving Assistance Taxation of Assistance Received No assistance shall be granted until the third month after an application for assistance has been filed and all applications shall be acted upon as promptly as possible

Each recipient for assistance shall be required to expend monthly at least seventy-five per centum (75%) of the total amount of monthly assistance received and shall account for such expenditure by exhibiting receipts evidencing the same or such proportion of said seventy-five per centum (75%) in manner and form as the board by its rules and regulations may prescribe The board shall by its rules and regulations limit the portion of the monthly assistance which may be expended for insurance to a sum deemed reasonable by the board

Every person receiving assistance under this act shall be required to contribute to the fund provided by law the same amount of tax as is imposed on wages by provisions of law to raise revenues for said fund and such tax shall be deducted monthly from the amount of assistance and shall be paid into or retained in said fund

Section 15 Recommendations of Board The board shall from time to time make recommendations to the General Assembly for such improvements in this act and for the financing of the fund from which assistance under this act is to be granted in order that the objects of this act may be accomplished that social security for our citizens may be secured and poverty be banished from our Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. O'KEEFE. Mr. Speaker, I move that this bill be recommitted to the Committee on Pensions and Gratuities for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1988, as follows:

An Act authorizing the county commissioners of counties of the third class to appropriate funds of the county and to furnish space in any county building for the maintenance and support of any legal aid agency approved by the court of common pleas of such county

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the county commissioners in any county of the third class of this Commonwealth are hereby authorized to make an annual appropriation of money for the maintenance of any agency within such county whether it be a committee association or body corporate organized for the purpose of furnishing legal aid to persons who are without money or means to retain attorneys-at-law to advise and represent them in matters requiring legal advise or representation provided before any such appropriation shall be made in any year the court of common pleas of such county or the president judge thereof shall lodge with the county clerk a certificate attesting that the committee association or body corporate to which such appropriation is proposed to be made is composed of persons known to the court to be of good moral character and repute that its constitution or by-laws and any general rules or regulations defining and controlling its activities have been submitted to the court for inspection and are found to be satisfactory and for the public benefit that a majority of the persons constituting such committee or association or the board of directors of any such body corporatte are members of the bar of such county in good standing and that the services performed by such committee association or body corporate are useful and necessary in the administration of justice in said county The said court or the president judge thereof may in such certificate fix the maximum amount foreseen to be required in any one year by such committee association or body corporate and in such case the amount so fixed shall not be exceeded by the county commissioners but said court may thereafter if necessary in its discretion subsequently modify said certificate so as to increase the amount allowable for appropriation

Section 2 The amount which may be fixed by the court or appropriated by the county commissioners shall be such amount as shall be estimated to cover and provide for the actual expense incident to the maintenance of such legal aid agency for one year which expense may include office supplies stenographic services rent telephone heat light water and similar incidental expenses and the payment of such notary fees or court costs or both as the governing body of the agency shall deem it necessary and proper to assume in any particular case or cases but shall not include any allowance in the nature of fees or compensation to any attorney-at-law for any services incident to the operation of such legal aid service

Section 3 Any legal aid agency receiving such appropriation shall make an annual report to the county commissioners within thirty days after the first day of January of the succeeding year showing all disbursements made during the preceding year and shall account for and pay into the county treasury any balance of such appropriation not actually expended

Section 4 The said county commissioners are hereby further authorized to set apart a room or rooms in the court house or any other county building within such county for the use of such legal aid agency and may furnish the necessary office furniture and equipment light heat telephone and other necessary equipment therefor for use by said committee

Section 5 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2205, entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twelve of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred fifty-two) are hereby further amended to read as follows

Section 2101 Each county superintendent [is hereby authorized to] shall call the teachers of the public schools under his jurisdiction to assemble for two days or their equivalent each year at such [times] time and [places] place as he may deem most convenient for the purpose of receiving instruction in the science and art of teaching each superintendent may also invite members of the teaching and supervisory staffs of the other districts and of institutions of learning within the county to attend such meeting or meetings

Section 2102 Each county superintendent [who shall call a meeting of the teachers under his jurisdiction] shall exercise general management over such assembly shall secure the necessary speakers and shall incur the necessary expenses [such expenses for all such meetings in any one school year shall not exceed the amount of two hundred dollars ($200.00)]

On the question,

Will the House agree to the section?

Mr. RUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 2, line 22, by striking out the word "meeing" and inserting in lieu thereof: "meeting"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the

provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2242, as follows:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School at Huntingdon is hereby empowered on behalf of the Commonwealth of Pennsylvania to grant a perpetual right of way or easement to the borough of Huntingdon to lay or cause to be laid a water line through lands of the Pennsylvania Industrial Reformatory located in Smithfield Township and to enter into execute and acknowledge such agreement or agreements containing such covenants as may be deemed necessary to accomplish the purposes of this act and protect the interests of the Commonwealth A copy of any such agreement shall be filed with the Department of Internal Affairs

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2512, entitled:

An Act staying legal proceedings against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust assets placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly

The first section was read as follows:

Section 1 In all cases where any bank bank and trust company or trust company engaged in a fiduciary business has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust funds deposited or placed with it for investment and such trust funds have been in good faith invested by such bank bank and trust company or trust company in mortgages on real estate participations in mortgages or in pools or funds of mortgages on real estate no suit or other proceeding at law in equity or otherwise including proceedings on exceptions filed to accounts of fiduciaries shall be brough nor shall further proceedings be had on any such suit or proceedings now pending until after two (2) years from the date of this Act by any trust estate or beneficiary interested in such trust estate to recover in cash either the amount or value of such trust funds so invested

On the question,

Will the House agree to the section?

Mr. GATES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, line 8, page 2, by inserting after the word "trust" the words "or other"

Amend Section 1, line 9, page 2, by striking out the word (trust)

Amend Section 1, line 17, page 2, by inserting after the word "pending" and before the word "until" the words "or on any judgment or decree heretofore entered"

Amend Section 1, line 1, page 3, by striking out the word (trust)

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third, fourth, and fifth sections and the preamble were separately read and agreed to as follows:

Section 2 Any court in this Commonwealth in which such suit or proceeding is now pending or may be hereafter brought shall have full power and authority to grant proper stays of proceedings in accordance with the provisions of this Act including stays of execution where any such suit or proceeding has been reduced to judgment

Section 3 This Act shall not affect the right of any trust estate or beneficiary to take or accept the trust investments or securities in kind on the termination of any trust

Section 4 The running of the Statute of Limitations against any claim stayed under the provisions of this Act and also all Acts or parts of Acts of Assembly inconsistent herewith are hereby suspended while this Act is in force

Section 5 This Act shall become effective immediately upon its final enactment

Whereas depressed financial conditions have given rise to an economic emergency which is now pending by reason of which it is difficult and in many cases impossible to collect moneys due on mortgages on real estate without causing very serious loss and distress to home owners and other mortgagors and

Whereas the General Assembly by Act approved March twenty-seven one thousand nine hundred and thirty-five has extended the provisions of the Act of May eighteen one thousand nine hundred and thirty-three Pamphlet Laws eight hundred twenty-six authorizing the Courts of Common Pleas for a period of two years March thirty-one one thousand nine hundred and thirty-five to prevent the collection of mortgages by stay of execution on judgments entered thereon so that the holders of mortgages while said Act is in force are not able to realize thereon in cash

The title was read as follows:

An Act staying legal proceedings against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust assets placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

On the question,

Will the House agree to the section?

Mr. GATES. Mr. Speaker, I desire to offer the following amendment?

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title line 5 by striking out the word (assets) and inserting in lieu thereof the words "or other funds"

On the question,

Will the House agree to the amendment?

time and agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with The House proceeded to the second reading and consideration of House Bill No. 1826, as follows:

An Act To amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honeybees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 446 Suppression of Animal and Plant Diseases The board of county commissioners is hereby authorized to appropriate money from county funds for the purpose of controlling and suppressing dangerous infectious disease of livestock and poultry and dangerous plant diseases and insect pests and diseases to honeybees in cooperation with the Department of Agriculture of Pennsylvania

For the purpose of carrying out the provisions of this section the board of county commissioners may enter into agreements with the Pennsylvania Department of Agriculture concerning terms rules regulations and practices for conducting the work

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1605, as follows:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any costs are imposed on counties of verdicts of juries or by operation of law as the result of criminal prosecutions brought under the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred five) known as "The Vehicle Code" or its amendments or any reenactment thereof which provide that the fines penalties and forfeited bail recovered under such laws shall be payable into the State Treasury for the use of the Commonwealth or into any special fund of the Commonwealth the counties shall be entitled to recover such costs together with the cost of the maintenance of prisoners committed to its penal institutions as the result of such prosecutions to the extent of such fines penalties and forfeited bail recovered and shall be entitled to deduct such costs and the cost of the maintenance of prisoners from such fines penalties and forfeited bail so recovered

Section 2 On or before the tenth day of each month the county treasurer shall pay into the proper fund in the State Treasury through the Department of Revenue the amount of all such fines penalties and forfeited bail recovered during the preceding month less the amount of all such costs and the cost of the maintenance of prisoners committed to th penal institutions of the county in such cases paid by the county during the preceding month

Section 3 The Auditor General shall at the close of each calendar year or other fiscal year as he may fix for a county proceed to audit the accounts of such county determining the total amount of fines penalties and forfeited bail recovered by such county as the result of prosecutions under such laws providing for the payment of such fines penalties and forfeited bail into any fund of the Commonwealth and the amount of fines penalties and forfeited bail payable into each fund of the Commonwealth The Auditor General shall also determine the total amount paid out by such county during the calendar or other fiscal year in costs and the maintenance of prisoners as the result of such prosecutions and the amount of the total chargeable to each respective fund of the Commonwealth into which the fines penalties and bail for such prosecutions are payable and he shall strike a balance for each fund In any case where the amount of fines penalties and forfeited bail collected in any such year and payable into one fund exceed the total costs imposed on the county and the maintenance of prisoners for the year arising from prosecutions under the laws directing payment of the fines penalties and forfeited bail into such fund the county shall be liable for the payment of such excess into the proper fund of the Commonwealth upon bills rendered by the Department of Revenue

Th Auditor General shall upon the completion of the annual audit of a county certify to the Department of Revenue the amount due by the county to each fund of the State Treasury and file with the county commissioners of the county a copy of his audit

Section 4 In case any county shall neglect or refuse to pay over the State Treasurer through the Department of Revenue the amount or any part thereof required by this act to be paid over each month or the amount or any part thereof of any balance due as shown by the audit of the Auditor General the Department of Revenue shall deduct from any sum payable to such county from the Liquid Fuels Tax Fund and pay the amount so deducted into the proper fund of the Commonwealth and for such purposes any moneys in the Liquid Fuels Tax Fund are hereby appropriated

Section 5 Any county dissatisfied with any amount found to be due by the Auditor General shall have the right to appeal by petition from such audit within thirty days from the date of the bill rendered by the Department of Revenue to the Board of Finance and Revenue Such appeal petition shall be filed in triplicate and a copy thereof shall be transmitted by the Board of Finance and Revenue to the Auditor General and the Department of Revenue

Any such petition shall specifically state the item or

items of the audit from which the appeal is taken and the reasons therefor and the appeal shall be limited to the matters set forth in the petition

The Board of Finance and Revenue shall fix a time and place for hearing the appeal of which notice shall be given by the Board to the Auditor General the Department of Revenue and the county commissioners at least ten days before the day fixed for hearing After hearing the matter the Board of Finance and Revenue shall determine the amount if any due by the county on the item or items appealed from and certify a copy of its findings to the county commissioners of the county and the Department of Revenue The findings of the Board of Finance and Revenue shall be final and the amounts so found to be due by it shall be collected by the Department of Revenue as above provided

Section 6 The Auditor General shall have power to fix the fiscal year of any county for the purpose of auditing its accounts under the provisions of this act in order that the audits for the various counties may be spread over the calendar year The Auditor General shall have power to require any county to keep its accounts of fines penalties and forfeited bail collected and of the payment of costs imposed upon it and the cost of the maintenance of prisoners in such form as he may require

Section 7 This act shall take effect on the first day of June one thousand nine hundred and thirty-five and shall apply to all fines penalties and forfeited bail collected on and after said date and to all costs and the maintenance of prisoners imposed on the counties on or after said date

Section 8 All acts or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 926, entitled:

An Act to amend section five hundred and eighteen of the act aproved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 518 Appeal to Court from Assessments Collection Pending Appeal [Payment Into Court] Any owner of real estate or taxable property in this Commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property may appeal from the decision of the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to the court of common pleas of the county within which such property is situated and for that purpose may present to said court or file in the prothonotary's office within sixty days after the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be have held the appeals provided for by this or any other act of Assembly and acted on the said assessments and valuations a petition signed by him his agent or attorney setting forth the facts of the case and thereupon the court shall proceed at the earliest convenient time to be by them appointed of which notice shall be given to the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to hear the said appeal and the proofs in the case and to make such orders and decrees touching the matter complained of as to the judges of said court may see just and equitable having due regard to the valuation and assessment made of other real estate in such county or city the costs of the appeal and hearing to be apportioned or paid as the court may direct Provided however That the appeal shall not prevent the collection of the taxes complained of but in case the same shall be reduced then the excess shall be returned to the person or persons who shall have paid the same [And provided further That the appellant may pay the amount of the tax alleged to be due by reason of the assessment appealed from into the court to which such appeal is taken whereupon said court shall allocate and pay over to the proper authorities such amount of said tax as shall appear to said court to be reasonably free from dispute and the remainder of the amount paid in shall be held by the court pending the final disposition of the appeal]

On the question,

Will the House agree to the section?

Mr. SCHROPE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 14, by striking out the word "Penting" and inserting in lieu thereof: "Pending"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," by abolishing the payment of taxes into court on appeals from assessments.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1221, as follows:

An Act to amend a part of section one of the act approved the twelfth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred one) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That part of section one of the act approved the twelfth day of May one thousand nine hundred and eleven (Pemphlet Laws three hundred one) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended by the act approved the twenty-third day of May one thousand nine hundred and thirteen (Pamphlet Laws three hundred fifteen) which relates to the fees charged for filing and docketing municipal and tax liens is hereby amended to read as follows

Filing and docketing municipal or tax liens each [two dollars] one dollar

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1942, as follows:

An Act to amend article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth sevenh and eighth classes and revising amending and consolidating the laws relating thereto" by prohibiting letting of contracts for printing to printing establishments in which a couny officer or employe is interested and prescribing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto a new section to read as follows

Section 64 Letting Printing Contract to Concern in Which County Officers or Employe is Interested Prohibited It is unlawful for any county officer who has knowledge of the fact that any officer or employe of the county is employed by or has any financial interest in any printing establishment to let or participate in the letting to such printing establishment of any contract for printing to be paid for by the county Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2194, as follows:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general or special or local or any parts thereof that are or may be inconsistent therewith" making it unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 126 It shall be lawful for any school district in the Commonwealth to receive and hold any devise bequest grant endowment gift or donation of any property real personal or mixed which shall be made to said school district or for any of the purposes of this act which devise bequest grant endowment gift or donation shall be administered by or under the direction of the board of directors of the district to which it is made subject to all the conditions thereto annexed Provided however That the board of school directors in any district shall not be obliged to accept any such devise bequest grant endowment gift or donation unless it sees proper so to do and Provided further That is shall be unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ The said board of school directors in such district shall promptly invest and keep invested as constantly as possible and to the best advantage such devise bequest grant endowment gift or donation if accepted and the proceeds thereof and such investment or investments may be made only in bonds legally and properly issued by a school district in this Commonwealth or in municipal bonds in which savings banks of Pennsylvania are authorized by law to invest their deposits and all such investments must be first approved by the president judge of the court of common pleas of the judicial district in which such school district is situated And it shall be the duty of the board of school directors in such district to keep an accurate account of all such devises bequests grants endowments gifts and donations the income arising therefrom the proceeds thereof and the expenses of administering the same and at the end of each fiscal year to render a detailed statement of such devises bequests grants endowments gifts and donations held and possessed by such school district the proceeds thereof the investments which have been made therewith the income arising therefrom the expenses of administration and the purposes to which the income arising therefrom have been applied and such statement shall be audited as hereinafter provided for the auditing of school finances

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1083, as follows:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam or mercury boilers steam engines turbines and refrigerating machinery and such power hoisting and portable machinery irrespective of the motive power as shall be used in all construction work designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "operator" shall mean a person who operates or has charge of the equipment specified in Section 1 of this Act

As used in this Act "boiler" shall mean a steam or mercury boiler in which pressure is generated to drive equipment and including all piping and apparatus connected thereto up to and including the stop valve or valves nearest the boiler

"Equipment" shall mean stationary steam or mercury boilers steam engines turbines refrigerating machinery and appurtenances thereto and such power hoisting and portable machinery irrespective of the motive power as shall be used in all construction work

"Department" shall mean the Department of Public instruction of the Commonwealth of Pennsylvania

"Establishment" shall mean a commercial or industrial building or place within the Commonwealth

"Place of public assembly" shall mean any building or portion thereof designed intended or used for purposes of entertainment instruction or amusement

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Whenever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section II It shall be unlawful for any person to have charge of or to operate equipment in this Commonwealth unless said person holds a license as is hereinafter provided for it shall be unlawful for any owner or user of any equipment to operate or cause or permit to be operated any equipment except by a duly licensed operator it shall be unlawful for any licensed operator to delegate such operation to any person not so licensed

Section III Every person wishing to operate any of the equipment mentioned in this act shall make written application for a license to the Department on the form prescribed by the Department Every such person shall be at least twenty-one years of age and shall have been employed about equipment during the five years immediately preceding the date of his application for a total term of not less than two years The application shall contain a detailed statement of such employment Every such application shall be accompanied by the affidavit of the applicant of one operator and of one employer as to the truth of the statements contained in the application Each application shall be accompanied by a fee of $5.00

Section IV The Department shall make inquiry into the character habits of life and experience of the applicant The Department shall after reasonable notice to the applicant submit the applicant to a written examination in the construction and operation of steam or mercury boilers steam engines turbines pumps and refrigerating machinery and in the subject of hydraulics or in such of these subjects as relate to the operation of the equipment for which a license is requested The examination shall be conducted under the rules and regulations adopted by the Department The standard of the examination shall be uniform throughout the Commonwealth

Section V If upon such examination the applicant is found proficient in such subjects a license shall be granted to him to have charge of and to operate only such equipment as from the application and examination the Department shall determine the applicant to be capable of operating for one year from the date on which it is issued Such equipment shall be specified on the license The Department shall upon application by a licensed operator before ten days after the expiration of such license issue a renewal thereof annually upon the payment of a renewal fee of two dollars ($2.00) Otherwise the license shall become null and void

Section VI Any person who shall have operated equipment during the five years immediately preceding the passage of this act for a total term of not less than two years or who holds at the date of passage of this act a license to operate equipment issued under the authority of any municipal subdivision of this Commonwealth shall upon application to the Department on the form indicated in Section III and the payment of a fee of two dollars ($2.00) within six months after the passage of this act be entitled without examination to a license to operate such equipment only as is indicated by his application he shall have previously operated or is presently operating and shall be entitled to the same privilege of annual renewal as hereinbefore granted to other licensed operators

Section VII Upon written charges made to the Department by any person after notice and hearing the Department may revoke the license of a person guilty of fraud in obtaining or using such license or who becomes insane or is addicted to the liquor or drug habit to such a degree as to render him unfit to operate equipment

Section VIII Any licensed operator of equipment who shall leave or be suspended or discharged from any place of employment shall within ten days notify the Department of such fact The owner or user of such equipment shall in like manner notify the Department of such fact

Section IX Each operator shall exhibit his license under glass in a conspicuous place in his engine room or boiler room Each operator shall sign his own license

Section X To carry out the provisions of this act the Department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the examination and registration of operators of equipment

Section XI All fees provided for in this act shall be paid to the Department of Public Instruction who shall transmit the same to the State Treasurer through the Department of Revenue

Section XII Provided That nothing in this act shall be construed to apply to the operation of any equipment subject to Federal inspection and control on locomotives railroad cars or steam or motor boats nor to equipment subject to the inspection and control of the Bureau of Motor Vehicles of this Commonwealth

Section XIII Nothing in this Act shall be construed to prohibit the licensure or regulation of operators of power equipment by any subdivision of this Commonwealth in addition to the requirements of this Act

Secton XIV It shall be the duty of the Department of Public Instruction to enforce the provisions of this act

Section XV Prosecutions for violations of the provisions of this act or the rules and regulations of the Department may be instituted by the Department and shall be in the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties herein provided for shall be imposed and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law

Section XVI Any person who shall violate any of the provisions of this act or the rules and regulations of the Department as herein provided for shall be guilty of a misdemeanor and shall be penalized by a fine of not more than one hundred dollars and costs and upon non-

payment thereof imprisonment in the county jail for not more than ten days

Section XVII All fines collected under this act shall be forwarded to the Department of Public Instruction who shall transmit the same to the State Treasury through the Department of Revenue

Section XVIII This act may be cited as the Power Equipment Operator's License Act of 1935

Section XIX The provisions of this act are severable and in the event that any provisions thereof should be declared unconstitutional it is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect

Section XX The act approved the eighteenth day of April one thousand eight hundred ninety-nine (Pamphlet Laws forty-nine) entitled "An Act to provide for the beter protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the first class in this Commonwealth and providing penalties for violations" and its amendments the act approved the fourth day of April one thousand nine hundred and five (Pamphlet Laws one hundred two) entitled "An Act to provide for the better protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the second and third class of this Commonwealth and providing penalties for violation" and its amendments and all other acts or parts of act inconsistent with the provisions of this act are hereby repealed

Section XXI This Act shall be effective and operative sixty days after its signing by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 432

An Act giving to former owners of homesteads sold at sheriffs' sales the right to lease such homesteads for a period of two years from the date of any such sale and also during said two year period the right to redeem such homestead from any such sale and providing the procedure in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when any real estate occupied by the owner thereof as a homestead is hereafter sold as the result of the foreclosure of a mortgage or on a mortgage bond or bond secured by a mortgage or on any judgment the owner in whose name such homestead was sold shall have a right to lease such property from the purchaser for a period of six months from the date of such sale if he shall notify the purchaser within thirty days from the date of such sale that he desires to lease the same If the owner whose homestead was so sold and the purchaser thereof cannot agree upon a monthly rental for such homestead which shall be sufficient to pay the interest on the debt taxes and insurance or some other reasonable rental based on the value of the property then such monthly rental value shall be fixed as follows The former owner of the homestead shall appoint an arbitrator the purchaser shall appoint an arbitrator and the two so appointed shall select a third arbitrator and the rental value fixed by said board of arbitrators shall be deemed to be the final rental value for said six months period If the arbitrators cannot agree upon a fair rental then the same shall be fixed by the court of common pleas on petition and rule

If the former owner of the homestead shall agree to pay the monthly rental so fixed and shall enter into a lease of the property for said six months period and faithfully complies with the terms of such lease he shall have the option at any time during such six months period to redeem such homestead from such sale

Section 2 Redemption of any homestead from any such sale shall be made by the person holding the right to redeem by paying the sum of money for which the home stead was sold unless the homestead was purchased by the mortgagee judgment creditor or his assignee and the amount for which the real estate was sold was less than the amount actually due on the mortgage or judgment in which case the full amount due on the mortgage or judgment at the time of sale together with costs shall be paid

The person having the right to redeem such homestead shall pay to the sheriff of the proper county the amount required to be paid by this act for the purpose of redeeming real estate

Section When payment on account of any redemption is so made to the sheriff he shall immediately notify the person holding the title acquired at the sale of the receipt of such payment and the amount thereof The person holding the title acquired at the sale may accept such amount in redemption of such homestead or he may decline to receive the sum so paid but only for the reason that it is insufficient to meet all payments required to be made under this act in order to effect a redemption If the matter cannot be amicably adjusted between the persons redeeming and the persons holding the title party may petition the court of common pleas to determine the correct amount due to redeem said homestead and the amount so determined by such notice shall be given to the other party as the court shall prescribe together with interest thereon at the legal rate from the time of payment to the sheriff to the time when the redemption shall be completed shall be deemed the full amount necessary to make such redemption

If the amount fixed by the court exclusive of interest as above provided is in excess of the amount tendered by the person redeeming then the cost shall be paid by the person redeeming otherwise by the party holding the right acquired at such sale If the party redeeming fail to pay to the sheriff within ten days after the judgment of the court any excess due as found by the court then his right to redeem shall be lost unless the period of redemption has not expired at the end of said ten days in which case such excess and interest as above provided shall be paid before the expiration of the period of redemption

Section 4 Upon the adjustment of the amount due the person holding the title acquired at the sale and the redemption of any real estate the total amount paid to the sheriff shall by him be paid over to the person holding such title and the sheriff shall issue a certificate thereof to the prothonotray of the court of common pleas who shall forthwith make an entry thereof in the proper docket in his office and certify the same to the recorder of deeds of said county and such recorder of deeds shall make the face of redemption upon the record

Section 5 Any person redeeming a homestead from a sale on a mortgage bond or judgment as herein provided shall pay to the sheriff a fee of five dollars for his services in connection with such redemption and shall also pay any fees due the prothonotary and recorder of deeds for the entry of such redemption on their respective records

Section 6 This act shall take effect immediately upon final enactment

Section 7 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2547, as follows:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223, 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223, 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United Etates during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties'5 is hereby amended to read as follows

Section 9 Whenever prior to the date of distribution of compensation under the provisions of this act a veteran entitled thereto shall have died or become mentally incapable of receiving his or her compensation payment shall be made by the Adjutant General

(a) In case of mental incapacity to the guardian or committee if any of the veterans or if there be no guardian or committee then to the person with whom the veteran lives

(b) In the case of death to the executor or administrator of the veteran's estate if an executor or administrator was appointed and the estate has not been settled

(c) In the case of death if the veteran's estate has been settled or if an executor or administrator was not appointed and is not necessary for the administration of any other property to the following persons in the order named Surviving unremarried widow or surviving minor child or surviving minor children share and share alike or surviving mother or surviving father or in the event that the person so entitled thereto shall have applied for compensation and subsequently died before payment thereof to the duly qualified executor or administrator or such deceased claimant

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 290, as follows:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by providing for the payment of borough funds only upon orders and only when there are sufficient funds available for the payment of such orders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding after section one thousand seventeen a new section to be known as section one thousand eighteen and to read as follows

Section 1018 Payments from Borough Funds All payments made by the council of any borough from the borough funds shall be made by proper borough orders drawn upon the treasurer no borough order shall be authorized by council or signed by the president or secretary of any council unless there are sufficient funds in the treasury of the borough to pay the same and no orders shall be made payable at any time in the future or draw interest A separate borough order shall be drawn for each account or payment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2035, entitled:

An Act to amend article fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto the following new section

Section 1414.1 Every minor between the ages of sixteen and eighteen years having legal residence in this Commonwealth who has not completed the courses of study provided by the school district of which he is a resident is required to attend a public day school in the district of his residence or such other day school as may be approved by the superintendent supervising principal or other head of the public schools of the district Every parent guardian or other person having control or charge of such minor is required to send such minor to such school and such minor shall attend such school continuously while such school is in session Provided That a certificate duly issued by the district superintendent supervising principal or other head of the schools of the district of which a minor between the ages of sixteen and eighteen years is a resident stating that from the school records or other competent evidence submitted to him he is satisfied that such minor has completed the courses of study provided by said school district shall be sufficient proof thereof Provided further (a) That any minor between the ages of sixteen and eighteen years who is regularly engaged in any useful and lawful employment

or service shall be excused from school attendance during the time of such employment or service (b) That this section shall not apply to any minor between the ages of sixteen and eighteen years who has been examined in accordance with regulations issued by the State Superintendent of Public Instruction as provided in section fourteen hundred thirteen of this act and has been certified as physically or mentally incapable of profiting by the opportunities provided by the schools of the district in which he resides (c) That whenever upon representation made by the Board of School Directors of any district the Superintendent of Public Instruction is satisfied that the schools of such district do not maintain and are unable to provide the facilities necessary for effectively carrying out the requirements of this section he may after investigation make such modification of said requirements in the case of such district as in his judgment will best serve the interests of the minors concerned (d) That this section shall not apply to any minor who shall have reached the age of sixteen years before the first day of July nineteen hundred and thirty-five

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, page 2, line 26, by striking out the word "saisfied" and inserting in lieu thereof: "satisfied"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend article fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2369, as follows:

An Act to further amend section two hundred and fifteen of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" by authorizing directors of the poor of abolished poor districts to levy and collect such additional taxes as may be required to pay all outstanding debts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and fifteen of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" as last amended by section two of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws one thousand eight) is hereby amended to read as follows

Section 215 Local Poor Districts Abolished After delivery of the poor and destitute to the directors of the poor as provided in section two hundred and fourteen the various township borough city or other poor districts within any such county are hereby abolished and the directors or overseers of the poor in such poor districts cease to act in such capacity and said offices are hereby abolished except so far as may be necessary to collect outstanding taxes levy and collect such additional taxes as may be required to pay all outstanding debts settle the accounts pay the debts incurred and wind up the unfinished business transactions of such district

Nothing contained in this section shall be construed to apply to any county poor district Any county poor district existing prior to the passage of this act shall constitute the county poor district created by this act

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

Th House proceeded to the second reading and consideration of House Bill No. 1924 (Senate Bill No. 712), entitled:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to corporations not previously licensed

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 13 (a) The provisions of this act shall not be construed as preventing the conducting of the business or profession of undertaking by a corporation heretofore licensed [or by a corporation all of the officers of which are duly licensed undertakers actively engaged in the conduct of the business of said corporation] if such corporation is registered by and conforms with such rules and regulations as the board may prescribe with relation thereto and no branch licenses shall hereafter be granted any corporation

(b) The board shall not hereafter issue licenses to any corporation which has not already been licensed and in active operation

On the question,

Will the House agree to the section?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, page 2, line 16, by inserting after the word "to" the following: "nor register"

Amend Section 1, page 2, line 17, by inserting after the word "lincensed" the following: "registered"

Amend Section 1, page 2, line 18, by inserting after the word "operation" the following: "and no corporation shall be permitted to conduct the business or profession of undertaking which has not already been so licensed, and registered and in active operation"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its approval by the Governor

The title was read as follows:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to corporations not previously licensed.

On the question,

Will the House agree to the section?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 11 of title, by inserting after the word "to" the following: "the registration of and conducting of business by"

Amend title, page 1, line 11 of title, by inserting after the word "licensed" the following: "registered and in active operation"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2125, (Senate Bill No. 768), entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ANDREWS. Mr. Speaker, I move that this bill be recommited to the Committee on Appropriations.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1035, entitled:

An Act to amend sections four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" clarifying certain service requirements of eligibility for compensation stipulating the time within which applications shall be made and rendering certain additional classes eligible to receive compensation

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" are hereby amended to read as follows

Section 4 In computing time in the service for compensation no allowance shall be made to

(a) Any civilian officer or employe of any branch of the military or naval forces contract surgeon cadet of the United States Military Academy midshipman of the United States Naval Academy or of the Coast Guard member of the Reserve Officers Training Corps member of the Students' Army Training Corps (except an enlisted man detailed to a training detachment of any of the foregoing) Philippine Scout member of the Philippine Guard member of the Philippine Constabulary member of the Porto Rico Regiment of Infantry member of the National Guard of Hawaii member of the insular forces of the Navy member of the Samoan native guard and band of the Navy or Indian scout in each case for the period of service as such

(b) Any member of the Public Health Service for any

period which he or she was not detailed for active duty with the Army Navy or Marine Corps

(c) Any individual granted a farm or industrial furlough for the period of such furlough

(d) Any individual detailed for work in the Spruce Production Division of the Air Service for the period during which his pay was equalized to conform to the pay of civilian employes in the same or like employment

(e) Any individual who has received a bonus gratuity or compensation of a nature similar to that provided for by this act from any other state in the Union

Section 7 Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe

All applications shall be made (1) personally by the veteran or (2) in case of death or mental incompetency preventing the making of a personal application then by such representative of the veteran as the Adjutant General shall by regulation prescribe An application made by a representative other than one authorized by such regulation shall be held void

The Adjutant General shall not accept or consider any application filed with him after the first day of July one thousand nine hundred and thirty-eight

Section 9 Whenever prior to the date of distribution of compensation under the provisions of this act a veteran entitled thereto shall have died or become mentally incapable of receiving his or her compensation payment shall be made by the Adjutant General

(a) In case of mental incapacity to the guardian or committee if any of the veterans or if there be no guardian or committee then to the person with whom the veteran lives

(b) In case of death to the executor or administrator of the veteran's estate if an executor or administrator was appointed and the estate has not been settled

(e) In the case of death if the veteran's estate has been settled or if an executor or administrator was not appointed and is not necessary for the administration of any other property to the following persons in the order named Surviving unremarried widow or surviving minor child or surviving minor children share and share alike or surviving mother or surviving father or surviving foster-mother or surviving foster-father

On the question,

Will the House agree to the section?

Mr. MASON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 4, line 13, by inserting after the word "In" the following: "the"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were read separately and agreed to.

Section 2 This act shall become effective immediately upon final enactment

An Act to amend sections four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" clarifying certain service requirements of eligibility for compensation stipulating the time within which applications shall be made and rendering certain additional classes eligible to receive compensation

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 18, as follows:

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" legalizing the home manufacture of wine

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Board the manufacture production distillation development use in manufacture denaturization redistilation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended by the act approved the eighth day of December one thousand nine hundred and thirty-three (Pamphlet Laws fifty-seven one thousand nine hundred thirty-three one thousand nine hundred thirty-four) is hereby further amended to read as follows

Section 3 It shall be unlawful for any person without a permit from the Commonwealth obtained as hereinafter provided except as exempted by section five hereof to manufacture produce distill develop or use in the process of manufacture denature redistill recover rectify blend reuse hold in bond hold in storage as bailee for hire or transport for hire within this Commonwealth any alcohol or alcoholic liquid except that a person may without a permit manufacture wine out of grapes grown by him and sell the same to a permit-holding winery and a person may without a permit on premises occupied as a home manufacture wine for consumption on such premises by himself his family and guests but it shall be unlawful and a violation of this act to sell or offer such wine for sale

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Mr. WOODSIDE. Mr. Speaker, I desire to call up at this time House Bill No. 1683, Printer's No. 562, on page 19, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WOODSIDE.

The House resumed the consideration on final passage of House Bill No. 1683, entitled:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Finnerty,	McDermott,	Shugarts,
Alexander,	Fitch,	McDevitt,	Simon,
Allen,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simpson,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sloan,
Aukerman,	Furman,	Mentzer,	Smith, J. A.,
Baine,	Gates,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gillette,	Mooney,	Snyder, J. L.,
Baldi,	Green,	Moore,	Sowers,
Barber,	Greenstein,	Moran,	Spangler,
Barnhardt,	Habbyshaw,	Moul,	Sproul,
Bernhard,	Haberlen,	Muir,	Stank,
Blumberg,	Hagerty,	Munley,	Stevens,
Boose,	Haluska,	Murrin,	Stewart,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Peters,	Van Allsburg,
Carr,	Holland,	Pfaff,	Van Sickle,
Carson,	Holstrom,	Piole,	Walker,
Castor,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Rinn,	Weilliver,
Coleman,	Kelder,	Roan,	Welsh,
Condon,	Kelso,	Robinson,	Westrick,
Conner,	Kilroy,	Rooney,	Wheeler,
Coolahan,	Kinney,	Root,	White,
Cordier,	Klinger,	Ruffennach,	Wickersham,
Davies,	Kobelak,	Ruth,	Wilson,
Decker,	LaRue,	Sarraf,	Winner,
Denning,	Linderman,	Scanlon,	Witkin,
Dent,	Long,	Schrock,	Wood,
Diehl,	Longaker,	Schrope,	Woodside,
Dilley,	Lovett,	Schwartz,	Yeakel,
Downey, G. E.,	Lynch,	Shaw,	Yourishin,
Downey, J. J.,	Male,	Shepard,	Zappala,
Eberharter,	Mallen,	Shortz,	Zimmerman,
Falkenstein,	Mason,	Shreiner,	Sarig,
Ferko,	McCreary,		

NAYS—3

Duffort,	Eroe,	Schwab,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. SCHWARTZ. Mr. Speaker, I desire to call up at this time House Bill No. 357, Printer's No. 278, on page 19, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SCHWARTZ.

The House resumed the consideration on final passage of House Bill No. 357, entitled:

An Act to amend clause (b) of section eight hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred and five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by requiring front registration plates to be illuminated.

On the question recurring,

Shall the bill pass finally?

Mr. SCHWARTZ. Mr. Speaker and members of the House, the bill before you is only an amendment to section 801, clause B of the motor vehicle code to illuminate the front registration plate. For the information of this House I should like to explain to you how I came about introducing such a piece of legislation. I received a letter from the Veterans' Hospital, Hampton, Virginia on December 17, 1931, and I quote you the letter, which is addressed to me:

"Hon. Louis Schwartz
924 West Girard Avenue
Philadelphia, Pennsylvania
Dear Sir:

I have just returned from Harrisburg where I was informed of your capability and prestige as a legislator.

I have been attempting to initiate a move toward the legislation of lights for the purpose of illuminating the front license plate of the automobile by night.

It is my purpose to ask you to introduce a bill into your Legislature in January, requiring that the front license number be lighted as a measure of war on crime.

Certain it is that if a license number ever should be plainly in evidence it should be so at night.

While in Harrisburg I talked to Mr. Benj. Wiggins, Equipment Engineer of the Motor Vehicle Department. He requested our model be sent him for demonstration purposes. This I intend to do at an early date.

In the event that you will consider the introduction

of the bill into the Legislature, and coach it thereafter, I shall be glad to hear from you. Should you consider that a personal interview is essential, I can come to Philadelphia or Harrisburg.

Trusting that I may be favored with an early reply, I am

Very respectfully,"

Mr. Speaker, after receiving this letter, there were also enclosed two photographs showing the operation of this device. It appealed to me and I answered these people and asked them if they wouldn't send me some samples, which they kindly did. I immediately got in touch with the Highway Patrol, the State Police Department and gave each one of those departments one of these devices to try on their automobiles for experiment, and both the Department of State Police and the Bureau of the Highway Patrol, from each of which I have in my hand letters, urging the members of this House to be for such a piece of legislation, both of which letters have been addressed to me, one signed by George C. Price, Superintendent of the Highway Patrol, and the other by the Superintendent of the State Police, Lynn G. Adams.

Now, gentlemen the bill is entirely up to you. This is how I came to introduce this bill

Mr. ALEXANDER. Mr. Speaker and ladies and gentleman of the House, I certainly do appreciate the manner in which our good friend Mr. Schwartz so kindly presented the argument for Bill No. 357. Being in the automobile business and being strictly honest, there are a few people in that business who would take advantage of this particular part of the equipment. This is absolutely to my mind unnecessary, first, because the criminal who is out to beat the law is not particular about having any lights lit, and if he would happen to have that light illuminating the front license plates, how many times have you faced an automobile with glaring headlights that you were able to see anything? If it so blinds you as the operator of the car, what do you suppose it is going to do with the Highway patrol?

Now, this is just another additional expense which we would be imposing upon the automobile owners, and I feel that it is absolutely unnecessary as one engaged in that business, much as I would like to have the profit that would come from the sale of such equipment.

I feel that this House owes it to the automobile owner to at this time vote "no" on this particular bill.

Mr. RUTH. Mr. Speaker and members of the House, this is not an administration bill. It is a new idea in legislation. We have heard letters from the State Police and the Highway Patrol. We believe that this is a good thing and is not an expensive thing. We have seen the pictures where the license plates were illuminatd as the head lights are, and I do believe that this is a good move to bring about something that will help us to control crime in the state of Pennsylvania

Mr. PFAFF. Mr. Speaker, I would like to interrogate the Sponsor of this bill, the gentleman from Philadelphia, Mr. Schwartz.

The SPEAKER. Will the gentleman from Philadelphia, permit himself to be interrogated?

Mr. SCHWARTZ. Mr. Speaker, I will.

Mr. PFAFF. Mr. Speaker, will the gentleman from Philadelphia, Mr. Schwartz, tell the members of the House whether he is in any way interested in the manufacture of these particular lights that are proposed in this bill?

Mr. SCHWARTZ. Mr. Speaker, absolutely not.

Mr. PFAFF. Mr. Speaker, will the gentleman from Philadelphia, Mr. Schwartz, tell the members of the House whether or not he is a representative in Pennsylvania of the owner of the patent rights of these lights?

Mr. SCHWARTZ. Mr. Speaker I am not the owner, and the statement that I made before in this House is absolutely the truth. I have no interest in the device. I have no interest in any patent at all, but I have heard some of the members speak of the patent and for the information of the House, I would say there is not a single item on an automobile that is not patented by some engineer.

Mr. PFAFF. Mr. Speaker, I do not think the gentleman has answered my question. I asked the gentleman from Philadelphia, whether he was a representative in the state of Pennsylvania for the manufacturer of these lights?

Mr. SCHWARTZ. Mr. Speaker, I have answered before, no, and I repeat again, no.

Mr. TUMELTY. Mr. Speaker, may I interrogate the sponsor of this bill, the gentleman from Philadelphia, Mr. Schwartz.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SCHWARTZ. Mr. Speaker I will.

Mr. TUMELTY. Mr. Speaker, I would like to ask the sponsor of this bill if it was not his intention to have an amendment in this bill that this was only to apply to cars manufactured from a certain date on, in other words new cars.

Mr. SCHWARTZ. Mr. Speaker, as the bill was originally drawn I had no intention of doing so. There was one suggestion that came from one of the men in this House, who is not here, and I agreed that if he would have these amendments prepared that they apply to newly constructed cars, and I agreed that if this bill gets into the Senate I will be glad to put those amendments in. The gentleman is Mr. Dent, from Westmoreland.

Mr. DENT. That is right, Mr. Speaker.

Mr. SCHWARTZ. Mr. Speaker, I have been informed by one of my colleagues in this House that this device is not a patented article, and that he has plenty now on display at his store. There are several devices that have been submitted to each department for their approval.

Mr. DENT. Mr. Speaker and members of the House, I want to inform the House, taking the word of the gentleman who was sponsor of the bill, the amendments that I prepared, or he has prepared rather, will be offered in the Senate if the bill passes the House.

It is too late to do it today. The amendment was misplaced and I can not get a hold of it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—74

Baker, J J.,	Eberharter,	Mallen,	Schwartz,
Baldi,	Eroe,	Mason,	Shepard,
Barnhardt,	Flanagan,	McDermott,	Shortz,
Bernhard,	Flynn,	McDevitt,	Shreiner,
Blumberg,	Gillette,	McKinney,	Simon,
Bradley,	Green,	Merrell,	Sinwell,
Brancato,	Greenstein,	Moore,	Tahl,
Brown, H. S.,	Habbyshaw,	Moran,	Tronzo,
Burke,	Haberlen,	Nothnagle,	Tumelty,
Cannon,	Haluska,	O'Keefe,	Turner,
Carr,	Hamilton, R S.,	Ominsky,	Van Sickle,
Coakley,	Hart,	O'Neill,	Wasserman,
Cohen,	Hermansen	Patterson, J W	Weidemann,
Coleman,	Kane,	Peters,	Weiss,
Conner,	Kilroy,	Rhys,	Winner,

Denning,	Kinney,	Roan,	Witkin,
Dent,	Kobelak,	Rooney,	Yourishin,
Diehl,	Linderman,	Ruth,	Zappala,
Duffort,	Longaker,		

NAYS—101

Achterman,	Downey, J. J.,	McElroy,	Smith, W. G.,
Alexander,	Falkenstein,	Moomaw,	Snyder, F. E.,
Allen,	Finnerty,	Mooney,	Snyder, J. L.,
Andrews,	Fitch,	Muir,	Sowers,
Atkins,	Flinchbaugh,	Munley,	Spangler,
Aukerman,	Furman,	Murrin,	Sproul,
Baine,	Hagerty,	Nagel,	Stank,
Baker, F. T.,	Hamilton, F. P.,	Panton,	Stevens,
Boose,	Harkins,	Patterson, C.,	Stewart,
Boyd, R.,	Harmuth,	Pearson,	Stockham,
Boyer,	Hartman,	Pfaff,	Sumney,
Brennan,	Hetrick,	Piole,	Surface,
Brown, J. E.,	Hoffner,	Powers,	Terry,
Brownfield,	Holstrom,	Reising,	Trout,
Brumbaugh,	Hoopes,	Robinson,	Van Allsburg,
Carson,	Jackson,	Ruffennach,	Walker,
Castor,	Jones,	Scanlon,	Wall,
Chervenak,	Kelder,	Schrock,	Welliver,
Cochran,	Kelso,	Schrope,	Welsh,
Condon,	Klingler,	Schwab,	Westrick,
Coolahan,	LaRue,	Shaw,	White,
Cordier,	Long,	Shugarts,	Wilson,
Davies,	Lovett,	Siegel,	Wood,
Decker,	Lynch,	Simpson,	Yeakel,
Dilley,	Male,	Sloan,	Sarig,
Downey, G. E.,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON FINAL PASSAGE

Mr. EROE. Mr. Speaker, I desire to call up at this time House Bill No. 893, Printer's No. 587, on page 20, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. EROE.

The House resumed the consideration on final passage of House Bill No. 893, entitled:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities boroughs towns and townships who are injured in or taken sick as a result of the performance of their duty and providing that absence during such injury or sickness shall not reduce any usual sick leave period

On the question recurring,

Shall the bill pass finally?

Mr. EROE. Mr. Speaker and members of the House, I wish to call your attention to the fact that this bill has been amended, taking out the sick clause. It now provides for the payment of compensation, medical and hospital expenses of policemen and firemen by cities, boroughs, towns and townships who are injured in the performance of their duties and providing that absence during such injuries shall not reduce any usual sick leave period.

We expect our police and firement to perform their duties under sometimes very hazardous conditions. I think that it is no more than right that the people in these subdivisions take care of these men if they are injured in the line of duty, and provide them with compensation until they are fit to return to duty. I ask for the support of this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Stott,
Brennan,	Harmuth,	Ominsky,	Sumney,
Brown, H. S.,	Hart,	O'Neill,	Surface,
Brown, J. E.,	Hartman,	Panton,	Tahl,
Brownfield,	Hefferon,	Parks,	Terry,
Brumbaugh,	Hermansen,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Trout,
Cannon,	Hindman,	Pearson,	Tumelty,
Caputo,	Hirsch,	Perry,	Turner,
Carr,	Hoffner,	Peters,	Van Allsburg,
Carson,	Holland,	Pfaff,	Van Sickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Rinn,	Welliver,
Condon,	Kelder,	Roan,	Welsh,
Conner,	Kelso,	Robinson,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klingler,	Ruffennach,	Wilson,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zappala,
Duffort,	Male,	Shaw,	Zimmerman,
Eberharter,	Mallen,	Shepard,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. BLUMBERG. Mr. Speaker, I desire to call up at this time House Bill No. 1655 (Senate Bill No. 29) on page 29, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BLUMBERG.

The House resumed the consideration on third reading of House Bill No. 1655 (Senate Bill No. 29), entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight

On the question recurring,

Will the House agree to the bill on third reading?

Mr. BLUMBERG. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1, page 1, line 2, by inserting after the word "That" the following: "the following amendment to the Constitution of the Con-"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agreed to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 758, as follows:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers register of vital statistics and boards of school directors

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Personal Registration Act For Boroughs Towns and Townships"

Section 2 Definitions (a) The word "Commission" shall mean the county commissioners of any county acting as a registration commission for the boroughs towns and townships within such county

(b) "Commissioner" shall mean a county commissioner acting as a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidate either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any county although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person resident of a borough or township who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued resident in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth

(m) "Borough" shall include any incorporated town

(n) "Public office" shall mean and include any national state judical county city borough township school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioners of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3. County Commissioners to Act as Registration Commission For Boroughs and Townships (a) The county commissioners of each county containing one or more boroughs or townships shall act as a registration commission in and for such county which commission shall have jurisdiction over the registration of electors in the boroughs and townships of such county under the provisions of this act

(b) The commissioners shall receive no compensation in addition to their compensation as county commissioners

(c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(d) Each commission shall keep a record in permanent form of its proceedings

Section 4 Powers of Commission (a) The commission of any county may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission of any county and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Registrars Inspectors of Registration and Other Employe Powers and Duties (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include registrars who shall be empowered to register the qualified electors of the boroughs and townships in such counties and in so doing to administer oaths and affirmations and inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be

qualified electors of the county An election officer may be appointed as a registrar or inspector of registration but no other person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county in counties where a salary board exists and in other counties by the commission

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission shall appoint a chief clerk who may be the chief clerk of the county commissioners who shall have authority to administer oaths and to sign vouchers and who shall receive no extra compensation for such duties

(f) In the case of each borough and township in the county other than the county seat the commission shall appoint the clerk or secretary or other suitable official or any other qualified citizen of such borough or township as a registrar and designate his office as a branch office where persons who claim that they are entitled to be registered as electors of such borough or township may make personal application for such registration during ordinary business hours on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary Such registrars shall receive compensation only on the basis of the number of applications for registration actually received by them and transmitted to the commission

(g) Any inspector of registration on complaint of any person known to him may and when directed by the commission of his county shall

(1) Investigate all questions relating to the registration of electors of the boroughs and townships in such county and for that purpose shall have power to enter and inspect any house dwelling building inn lodginghouse or hotel within such governmental units and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or threin regarding any person or persons residing or claiming to reside thereat or so doing except his certificate of appointment aforesaid

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such boroughs or townships

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such county of the boroughs and townships therein to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest as aforesaid

Section 6 Counsel The County solicitor shall be counsel for the Commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carry out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by County Commissioners The county commissioners or other appropriating authorities of the county shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission of such county and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for printing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners and other appropriating authorities of the county shall provide the commission thereof with suitable and adequate offices at the county seat properly furnished for keeping its records holding its public sessions and otherwise performing its duties

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission of any county by order of such commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to Be Open to Public Inspection The records of each commission and all district registers street lists of voters affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto provided that such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulations for safe-keeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors and the commission shall appoint all such persons as watchers and provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memcrandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person and the registrars

commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment and provided that not more than one watcher for each party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sections of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the county or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may present at any one time may be limited by the commission to not less than three for each party or body of electors

Section 15 Candidates May be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Time and Places of Registration Public Notice (a) From and after the first day of June one thousand nine hundred and thirty-five each commission or commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission and at such additional places in the boroughs and townships as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors thereof and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the seventh day of September anything in this section to the contrary notwithstanding and Provided further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have a registrar present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district in the boroughs and townships of such county on at least three separate days prior to September eighth (one of them being in August and another in September) and one day in the period beginning September twenty-third and ending October fifth

(b) The county commissioners of each county shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of school directors of each school district shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration provided that such use shall not interfere with instruction for the conduct of which such board of school director shall be responsible

(d) The proper borough or township authorities shall furnish a room or rooms in any borough or township hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration provided that such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least one placard or notice thereof in a conspicuous place in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 17 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the boroughs and townships of each county the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of nineteen

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards in each county

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 18 Manner of Registration (a) Every person in boroughs and townships claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar acting for the borough town or township in which he resides at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and

number of his residence if any or other designation of location (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance at the ensuing election and if so his declaration of that fact and his statement of the exact nature of such disability (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the borough township ward and election district in which the elector resides and to which he may from time to time remove together with his address in each such district and the other data required to be given upon such removal (21) the date of each election and primary at which the elector votes and (22) the signature or initials of the election officers who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit when filed by borough or township the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar shall require him to present the affidavits subscribed in person before a registrar or commissioner of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Who May Register Who May Vote Electors Need Register Only Once Exception Every person living in a borough or township who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided and from and after the seventh day of September one thousand nine hundred and thirty-five no such person shall be permitted to vote at any election or primary held in this Commonwealth unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of four years as hereinafter provided

Section 20 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the election district Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district and shall produce such other evidence as may be required to satisfy the registrar or commissioner as to his qualifications as an elector If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the county Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 21 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All Persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certified copy thereof before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit that his father was naturalized at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage to a citizen prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 22 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number or other designation of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the

commission and shall be preserved for a period of two years

Section 23 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or equalified elector of the county may appear and show cause why the petitioner should not be registered

Section 24 General Register The duplicate registration affidavits shall be placed in exact alphabetical order for each entire borough and township under the jurisdiction of the commission and indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such borough or township and shall not be removed from the office of the commission except upon order of the court of common pleas of the county wherein such borough or township is located

Section 25 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed and the affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open at all times subject to reasonable safeguards rules and regulations to public inspection

Section 26 Removal Notices The Commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number or other designation of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number or other designation of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 27 Transfer of Registration (a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence and if the removal shall have been from one borough or township to another in the same county shall transfer the duplicate registration affidavit to the proper general register

(b) Provided That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advice the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After to Have Fact Recorded (a) at any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar of commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the fifth day preceding any primary any qualified elector of the count including any watcher may petition the commission to cancel the party enrollment of any registered elector of such county who has previously enrolled as a member of a party for the pjurpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the said petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or prepare the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make written application under oath to the commission or a registrar to have such fact entered on his registration affidavit together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance no longer suffers from the disability stated by him or has voted without assistance it shall forthwith cancel on his registration affidavit the entry relating to physical disability which authorized him to have assistance

Section 29 Reports of Deaths from Registrars of Vital Statistics (a) The registrar of vital statistics of every borough and township shall report in writing at least monthly to the registration commission the deaths of residents of such governmental until except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commission in such county and prove his identity and the commission thereupon shall correct its records accordingly

Section 30 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission in such county and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each year the commission shall send such notices by mail to each elector registered under the provisions of this act in the county

(b) Upon the return by the Post Office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proved his qualifications as an elector

Section 31 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs or townships of the county by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall indicate on a copy or copies of the most recent street list or other record available the anme and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the branch office of the commission in such borough or township on or before a date and hour which the notice shall appoint and which shall be not later than the fifth day preceding the election of primary next ensuing and satisfy the commission or a registrar of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affilations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 32 Comparison and Correction of Registers (a) Not later than thirty days prior to each election or primary the commission shall compare and correct the general and district registers

Section 33 Street Lists Posting Distribution Not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district in boroughs and townships a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets or roads and house numbers if any The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission and at the branch office in each borough and township convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Petitions to Strike Off Names At any time not later than the fifth day preceding any election or primary any qualified elector of the borough or township and any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such borough or township setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least forty-eight hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 35 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceeding an election or primary the commission shall deliver to the county commissioners of the propery county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election. The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 36 Who May Vote at Elections and Primaries Voters Certificate to be Signed Challenges Ballot Check List and Voting Check List Use of at Polls (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become

disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certicate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

d Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot accordingly to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases and any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his contined residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district

(f) The county commissioners shall cause to be printed for each election district a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

"I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....
Address .....
.....Pennsylvania
Approved .....
Number of stub of ballot issued (or number of admission to voting machines) .....
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder, to be furnished by the county commissioners. After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved, or, in the case of an elector who is unable to write, the notations hereinabove required have been made thereon, one of the election officers who made the comparison shall sign his name or initials thereon, and, if the elector's signature is not readily legible, shall print such elector's name over his signature. After the elector has been admitted to vote, the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder. One such file or binder shall be furnished for each election district for each primary and election, and shall have printed or written thereon the words "Voting Check List" and the name of the district and date of the primary or election. The voter's certificates, so bound, shall constitute the voting check list of the district. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list."

(g) The district register hereby provided for shall be used at each election and primary by the election officers in the place of the ballot check-list heretofore required by law

As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting as marked on the voting check list and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The said voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the commission by the judge of election before noon on the day following the election or primary

Section 37 Entry of Information in General Registers Following Election and Primaries Comparison of Signatures (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates has voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indicaton of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

Section 38 Cancellation of Registration Upon Failure to Vote Within Four Years Request For Reinstatement Within three months after the general election held in the year one thousand nine hundred and thirty-eight and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately pereceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of four years and that his resignation will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided Pro-

vided That the cancellation of the registration of any such elector for failure to vote within a period of four years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 39 Cancellation of Registration Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 40 Appeals to Court (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any county whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusal to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Provided That such appellant shall pay the prothonotary a fee of three dollars for filing such appeal and thereupon any judge of the said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court and proof of notice or the waiver thereof must be filed therein

(b) Any judge of said court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary and at the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the said court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The said court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 41 Production of Documents et cetera At Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 42 Subpoenas and Witness Fees (a) Any person filing any petition of any kind aforesaid with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners or other appropriating authority of the county in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas and the commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission and no such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it be issued shall have deposited with the said commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person aforesaid among those witnesses who have appeared in response to subpoenas issued as aforesaid and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission as aforesaid taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas and the accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners or other appropriating authority of the county shall be subject to audit from time to time by the county controller or auditors

Section 43 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or refuses to obey its subpoena duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits

to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars and to undergo an imprisonament of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform his said duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to a fine not exceeding five hundred dollars ($500)

Section 44 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided therein this act shall be in force and take effect immediately upon approval by Governor

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgmen. of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 45 Repeal of Prior Law Proviso (a) The following acts of Assembly and parts of acts and any amendments and supplements thereto hereby repealed absolutely

(1) Section fifty-nine of an act entitled "An act relating to the elections of this Commonwealth" approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred nineteen)

(2) Sections one two three ten and eighteen of an act approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled "A further supplement to the act regulating elections in this Commonwealth"

(3) Section one of an act entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" approved February thirteenth one thousand eight hundred and seventy-four (Pamphlet Laws forty-four)

(4) An act entitled "An act to amend sections one two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four)

(5) An act entitled "An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides" approved June sixteenth one thousand eight hundred and ninety-one (Pamphlet Laws two hundred ninety-eight)

(6) An act entitled "An act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of May twenty-ninth one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four) fixing the place at which the assessors shall sit to perform the duties imposed upon them by the second section of the said supplement of May twenty-ninth one thousand eight hundred and ninety-one in all voting districts or precincts in this Commonwealth where temporary voting places are or may be established" approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-five)

(7) An act entitled "An act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred and thirty-four) changing the time and manner of making the registry of voters and the duties of registry assessors" approved the sixteenth day of May one thousand eight hundred and ninety-five (Pamphlet Laws seventy-five)

(8) Sections three four five six seven and eight of an act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket" approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

(9) An act entitled "An act fixing the compensation of election assessors in boroughs and townships at primary elections" approved June second one thousand nine hundred and fifteen (Pamphlet Laws seven hundred twenty-four)

(10) An act entitled "An act to amend section one of an act approved the sixteenth day of June one thousand eight hundred ninety-one entitled 'An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for violation resides'" approved April twentieth one thousand nine hundred and seventeen (Pamphlet Laws eighty-seven)

(11) An act entitled "An act regulating the registration and enrollment of voters in boroughs and townships before the primary election" approved the eleventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two)

(12) An act entitled "An act to amend sections four and seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three) entitled 'An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket' eliminating one of the date required of the assessors and registry assessors sitting at the polling places" approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-five)

(13) An act entitled "An act fixing the compensation of assessors and registry or assistant assesors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" approved twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten)

(14) Section one two three four and six of the act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred thirty-four)

(b) The following acts of Assembly and parts of acts are hereby repealed insofar as they relate to assessors who perform duties relative to elections in boroughs towns or townships or to the assessment or registration of voters therein.

(1) Sections fifteen and nineteen of an act entitled "A further supplement to the act regulating elections in this Commonwealth" approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one)

(2) Sections five and seven of an act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred and thirty-three eliminating the taxpaying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(c) All acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House. I wish to call your attention to the fact that the bill that you are now voting on is a distinct change from the present system that prevails in the so-called country districts. At the present time in boroughs and in townships, in other words, in other municipalities than first, second and third class cities, we do not have registration of voters in the sense in which that term is generally used. We have an enrollment of voters. They are placed on a list by a local registry assessor. Each year the registry assessor goes around, inquires at the houses as to the eligible voters, takes off the list those who have moved and places on the list any new families that have moved in, or places on the list any member of a family who has become of age since the last election and who is entitled to vote.

I think you men who come from the country districts know the great difficulty that you have at the present time in getting the voters to the polls to vote. Our present system, I think, works very well, except for the fact that it is difficult to get the new people to go and place their names on a voting list by going to the registry assessor, and if your experience is the same in your county as it is in ours, we have a great deal of difficulty in urging upon many of our people to enroll and to see that the new residents in the community are enrolled on the list.

You all know, you men that come from the city, who have had experience in cities of the first, second and third class, that there is a tremendous effort put forth on the part of the political parties to get the people to go out to register. I know that in the city of Chester, and I think it is also true of the city of Philadelphia, that the people will stand in line for a long time waiting for a chance to register. But there you have the people in compact communities, where it is not quite so difficult to get them out to register as it is to get the people in the less populous sections to enroll. True, this provides for permanent registration and once these people's names are on the list they will be kept there unless they remove from the community, and the registration authorities remove them from the permanent registration list, but, in the first analysis, to get the people in the county,—take the county of Delaware where some hundrd thousand vote in the county outside of the city of Chester, it will be a long time before you can get those people on the list and it will take a tremendous effort on the part of every political organization, and every political party to endeavor to get those people to go to the registry point and place their names upon the list. If it is difficult to get them to go out on the day of election to vote, then it is going to be many times as difficult to get them to go to a central place and register, as would be provided under this act. Now, it is claimed, and I have had a number of men come to see me,—it is claimed that this will save money. I believe that this is an Allegheny County bill primarily. It is sponsored by the people in authority in Allegheny County. They claim that it will save a large amount of money. They say it costs them $125 per district under the present system. I say that the county commissioners under the present system have the power to regulate that to

a certain extent. In the second place I do not believe that the saving of the money will be anywhere near what they calculated, because it will be necessary to provide permanent registration offices, it will be necessary to provide registrars, it will be necessary to provide clerks, and they must send people out into the districts to investigate the list from time to time to tell whether the people who are registered on the list have removed from the district. Therefore, I do not believe that the saving, the actual direct saving in money to the municipality or the county, can be anywhere near the amount that they anticipate.

In the second place I say when it comes to an issue that pertains to the question of the right of franchise in getting people to exercise their right of franchise, we have always urged that everyone go out and vote, we have always urged everyone to exercise his citizenship, but when you add an extra difficulty of this kind to the people in rural districts who will have to travel for some distance, and I say this will be particularly true to the women of the districts, particularly the old women. If it is difficult now to get them to the polls to vote it will be doubly difficult to get them to go and register and they will be disenfranchised when the time comes if they are not on the registration list.

Therefore, I say that this bill should be defeated.

Mr. WEISS. Mr. Speaker and members of the House, I must disagree with my friend on the other side of the House. Both parties are pledged to clean elections. I say that this bill is no different in principle from the Blumberg-Schwartz bill providing for permanent registration in cities of the second class, or any different from the bill passed by this House, giving the right to the city of Pittsburgh to have a permanent registration system with the city of Scranton.

Let me repeat the words of Senator George L. Reed, the Republican Senator from Dauphin County, in the passage of the bill on third class cities last week, when he said that this bill "follows the law passed for Scranton and will provide a thorough safeguard in elections."

The principle is the same whether it applies to rural districts or cities. As a matter of fact, farmers are not transient people. They reside in communities for years and years. Once they register, they are registered for life. If they are interested in their government they are certainly going to register if they know that they register but once. As difficult as it is for them to come to vote, it is just as difficult for them to be registered. That kind of principle must fall. I say that the same is paid to the assessors in the county of Delaware as is paid in Allegheny county. In the county of Allegheny we have four hundred and eighty-four assessors who are paid $125 each per year. They repeat the same work every year at a cost of over $60,000 yearly for doing the very same work. Once you register, the cost is initial, in providing a setup for a permanent registration system, but above all, we must all stand by the principle involved. We have had in Allegheny county and in other counties in this Commonwealth, possibly exclusive of Delaware which is a more Puritan county, we have had flagrant examples of phantom voting, and we have had flagrant examples of phantom registration. In Allegheny County, we have had box cars voting, we have had empty lots, telegraph poles, outhouses, billboards, which have been casting anywhere from twenty to twenty-five votes for each election, until in the city of Pittsburgh, following the passage of a permanent registration bill, we had the cleanest election ever held in that city in a decade in this past election. That is what we are for. Both parties were pledged in the last election for clean elections. This is a step in the right direction, outside of the cost involved. I think, carrying out the words of the Senator from Dauphin, Mr. Reed, we have a bill in this House by Mr. Blumberg and Mr. Schwartz on the other side of the House. I say that this is a step in the right direction and I ask both the minority and the Democratic majority in this House to vote "aye" on this bill.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WEISS. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, on page thirty-seven of the bill, I find a provision that the voter must sign a certificate certifying that he is qualified to vote at a primary or an election, giving his signature. Then it must be approved by the election officer. Then there must be a number on the stub of the ballot issued, the number of admission to the voting machines and party at primaries. Does that mean that every voter will have to sign a certificate, setting forth his name and that it shall be compared?

Mr. WEISS. Mr. Speaker, that is exactly what it means.

Mr. TURNER. Mr. Speaker and members of the House, I think that the gentleman from Allegheny, in his answer, has given a stronger reason than perhaps I have yet advanced why this bill should be defeated. I think to go into our country districts, where the election board knows everyone in the district intimately, and expect that the voter is going to stand up and sign a certificate giving his address, the number of the machine and all of the data pertaining to his vote would, I know in my county, would be an insult to the people in the county.

We once had in Delaware county a judge who was noted for his horse sense, his common sense and his wide experience, and he always maintained that you could pass all the laws that you wanted on elections, but unless you had an honest election board, there was no way to prevent crooked elections. If the people in Allegheny county want to have clean elections, the way to have them is to elect honest election boards, and the way to have them is to go into their own districts and see that the proper men are placed on the election boards. But this is unfair to the rest of us in the State, to impose upon the voters in our districts and in our precincts restrictions and qualifications of this kind in order that they may clean up a mess of their own.

We are all too prone to go to the legislature and seek to right some local condition that after all is within the hands of the electorate in that district.

I remember that we once passed this registration law and it was provided in that bill that the people register every year or every election time. What did it result in? It did not result to the benefit of the reformers and the independents, but it worked to the benefit of the political organizations because they could get their voters out while the independent and reform elements stayed at home and did not go out to register. Now to come down and ask for permanent registration in Philadelphia, Pittsburgh and in the third class cities of the Commonwealth,

when they already have registration is a nuisance to the voters, while I am in favor of permanent registration, I am not in favor of imposing legislation upon the people in the tremendous number of country districts where I believe elections are conducted honestly and fairly and squarely, where a further burden should not be placed upon them in the exercise of their franchise.

Mr. NAGEL. Mr. Speaker and members of the House, this bill might be workable and a good arrangement in thickly populated districts. I represent a county where many of my constituents live out in the country; I know what a difficult job is to even interest them in the primaries or general elections, how difficult it is to get them out, and I know if this bill were to be enacted into a law that many of them would default in the matter of registering. This bill may be right theoretically, but I am quite sure it would not prove right practicable in Beaver County. I therefore ask the members who come from counties in which there are rural districts to consider well before they cast their vote on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. WEISS. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—50

Andrews,	Finnerty,	McElroy,	Ruth,
Aukerman,	Flanagan,	Mentzer,	Sarraf,
Baine,	Furman,	Mooney,	Scanlon,
Baker, J J.,	Haberlen,	Moran,	Shaw,
Barber,	Hagerty,	O'Keefe,	Shepard,
Brown, H. S.,	Haluska,	Ominsky,	Smith, J. A.,
Brown, J. E.,	Harkins,	Patterson, C.,	Stevens,
Burke,	Holstrom,	Patterson, J. W.,	Sumney,
Carson,	Kane,	Pfaff,	Tumelty,
Dent,	Kilroy,	Powers,	Weiss,
Dilley,	Kobelak,	Robinson,	Westrick,
Eberharter,	Lovett,	Rooney,	Zappala,
Falkenstein,	McDermott,		

NAYS—138

Achterman,	Fitch,	McDevitt,	Smith, W. G.,
Alexander,	Flynn,	McHenry,	Snyder, F. E.,
Allen,	Forrest,	McKinney,	Snyder, J. L.,
Altenburg,	Gates,	Merrell,	Sowers,
Arnold,	Gerard,	Moomaw,	Spangler,
Baker, F. T.,	Gillette,	Moore,	Sproul,
Baldi,	Green,	Moul,	Stank,
Barnhardt,	Greenstein,	Muir,	Stewart,
Bernhard,	Habbyshaw,	Munley,	Stockham,
Blumberg,	Hamilton, F. P.,	Nagel,	Stone,
Boose,	Hamilton, R. S.,	Nothnagle,	Stott,
Boyd, R.,	Harmuth,	O'Neill,	Tahl,
Boyer,	Hart,	Panton,	Terry,
Bradley,	Hefferon,	Parks,	Trout,
Brancato,	Hermansen,	Pearson,	Turner,
Brennan,	Hetrick,	Perry,	Van Allsburg,
Brownfield,	Hindman,	Peters,	Van Sickle,
Brumbaugh,	Hirsch,	Piole,	Walker,
Cannon,	Hoffner,	Reising,	Wall,
Castor,	Hoopes,	Reynolds,	Wasserman,
Cochran,	Horst,	Rhys,	Weidemann,
Coleman,	Jackson,	Rinn,	Welliver,
Condon,	Jones,	Roan,	Welsh,
Conner,	Kelder,	Root,	White,
Coolahan,	Kelso,	Ruffennach,	Wickersham,
Cordier,	Kinney,	Schrock,	Wilson,
Davies,	Klingler,	Schwab,	Winner,
Decker,	LaRue,	Shortz,	Witkin,
Denning,	Long,	Shreiner,	Wood,
Diehl,	Longaker,	Shugarts,	Woodside,
Downey, G. E.,	Lynch,	Siegel,	Yeakel,
Downey, J. J.,	Male,	Simon,	Yourishin,
Duffort,	Mallen,	Sinwell,	Zimmerman,
Eroe,	Mason,	Sloan,	Sarig,
Ferko,	McCreary,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 1721.

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four one thousand nine hundred thirty-three one thousand nine hundred thirty-four (P. L. 174) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 5, page 10, line 7, by striking out the entire line as follows: "of this act it shall have the power to issue subpoenas", and inserting in lieu thereof the following: "of this Commonwealth including the production transporta".

Amend Section 6, page 11, line 5, by striking out the entire line as follows: "of this Commonwealth including the production transporta", and inserting in lieu thereof the following: "of this act it shall have the power to issue subpoenas".

Amend Section 7, page 13, line 10, by striking out after the word "and" the word "filed" and inserting in lieu thereof the word "served".

Amend Section 9, page 14, line 24, by inserting after the word "board" the following: "or any person marketing committee or association composed of persons affected by its order rules or regulations"; also in line 28, by inserting after the word "act" the following: "or to obtain a judicial interpretation of any of the foregoing"; also on page 15, lines 1 and 2, by striking out after the word "injunction" in line one the following: "if necessary to protect the public interest".

Amend Section 10, page 19, line 16, by striking out after the letter "E" the word "Before" and inserting in lieu thereof the following: "The Board may hold informal hearings on five days' actual notice provided however that before"; also in line 22, by inserting after the word "hearing" the following: "together with a statement in writing of the matters complained of After such hearing the Board shall file at its office a copy of its order and a statement in writing of the findings of fact in support of and the reasons for said order".

Amend Section 12, page 24, line 20, by striking out after the word "conditioned" the following: "for the faithful compliance by the licensee with the provisions of this act and the rules and regulations of the board for the payment of all amounts due to producers for milk sold by them to such licensee subsequent to the posting of such bond upon such terms and conditions as the board may prescribe" and inserting in lieu thereof the following: "upon such terms and conditions as the board may for the payment by the licensee of all amounts due to producers under this act and the orders of the Board for milk sold by them to such licensee subsequent to the posting of such bond upon such terms and conditions as the Board may prescribe."

Amend Section 12, page 27, line 9, by inserting after the word "securities" the following: "after the amount of such claims shall have been determined by the Board by formal order after hearing with due notice to all those liable on the bond".

Amend Section 14, page 29, line 26, by striking out after the word "the" the following: "Superior Court within twenty days after the issuance of such order fixing the price of milk or such other general rule regulation or order", and inserting in lieu thereof the following "Court of Common Pleas of Dauphin County"; also in line 29, by inserting after the word "supersedeas" the words "except on special order of the Court"; also on page 30, line 18, by striking out after the word "court" the words "in order to hold harmless the producers affected by the order from which the appeal has been taken"; also on page 31, line 11, by striking out after the word "fact" the words "if any"; also in line 20 by striking out after the word "heard" the following "upon the record certified to the court by the board Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the board for the taking of further tesimony" and inserting in lieu thereof the following: "do novo by the Court or by a Master appointed by the Court for that purpose All or any part of the record filed with the Court by the Board may be admitted in evidence upon agreement of the parties or by order of Court"; also in line 25, by striking out after the word "shall" the words: "upon the record transmitted to it by the board"; also on page 32, line 5, by striking out after the word "pleas" the words "on the validity of an order of the board in which the board refused to issue reissue or transfer or revoked or suspended a license"; also in line 10, by striking out after the word "law" the following: "In all other cases in which this section authorizes an appeal to a court of common pleas from an order of the board the decision of the court of common pleas shall be final and there shall be no appeal therefrom".

Amend Section 16, page 33, by striking out lines 19 to 23 inclusive as follows:

B The Board may at any time that it deems such action to the best interests of the dairy industry require similar reports from milk dealers whom it has pursuant to the provisions of this act exempted from the requirement of procuring a license

Amend Section 18, page 36, line 9, by striking out after the word "ascertain" the following: "by such examination or investigation as the emergency may warrant what prices for milk in the several localities and markets of the Commonwealth and under varying conditions", and inserting in lieu thereof the following: "after a hearing in which all interested parties shall be given full opportunity to be heard what are the logical and reasonable milk marketing areas within the State shall describe their territorial extent and designate the areas by number and shall ascertain and maintain such prices for milk in the respective milk marketing areas of the Commonwealth as"; also in line 18, by striking out after the word "shall" the words "take into consideration" and inserting in lieu thereof the words "base all prices upon"; also in line 19, by inserting after the word "industry" the words "in each milk marketing area"; also in line 24, by striking out after the word "the" the words "minimum wholesale and retail prices and may fix by official order the maximum", and inserting in lieu thereof the word "uniform"; also in line 27, by inserting after the word "within" the words "any milk marketing area of"; also in same line, by striking out after the word "produced" the words "including the following classes", and inserting in lieu thereof the words "which prices may vary as to different classes but shall be unfirom within the classes designated as follows"; also on page 37, line 2, by striking out after the word "dealers" the words "to consumers", and inserting in lieu thereof the words "and stores to consumers except for consumption on the premises where sold"; also by striking out lines 5 and 6 inclusive as follows: "(4(By stores to consumers except for consumption on the premises where sold"; and inserting in lieu thereof the following: "The Board shall file at its office with each order issued a statement in writing of the findings of fact in support of or the reasons for such order". Also on page 38, by striking out after the word "milk" the following: "and may with the approval of the Governor fix by official order the minimum prices to be paid to producers and others by or through any arrangement with any cooperative agricultural association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for producers at a blended price based upon sales thereof in the various classes or otherwise and whether such price is paid either directly to the producers or to such association or corporation";

Also in line 21, by striking out after the word "the" the words "locality or zone", and inserting in lieu thereof the words "milk marketing area"; also in line 22, by striking out after the word "the" the words "market or markets" and inserting in lieu thereof the words "milk marketing area"; also in line 23, by striking out after the word "different" the words "localities or markets' and inserting in lieu thereof the word "areas"; Also on page 39, by inserting after the word "pay" the words "in the Commonwealth of Pennsylvania".

Amend Section 19, page 41, line 20, by striking out the light faced bracket before the word "Section"; also in line 28, by striking out the light faced bracket after the word "various'; Also on page 42, line 1, by striking out the light faced bracket before the word "classes"; also in line 13, by striking out after the syllable "poration" the following:

"Provided however That the powers of subpoena entry and inspection vested in the board under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals to determine that the blended or other prices paid to producers are reasonable and conform with the contract if any between them and such association or corporation and for the purpose of otherwise administering this section"

Also in line 29, by striking out after the word "operations" the following: "unless such contracts or operations are determined by the board to discriminate unfairly between or to be otherwise injurious to producers" and inserting in lieu thereof the following: "Provided however That the powers of subpoena entry and inspection vested in the board under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act"; also on page 43, line 2, by striking out the light faced bracket before the word "This".

Amend Section 20, page 43, line 28, by striking out after the word "or" the word "current" and inserting in lieu thereof the word "concurrent.

Amend Section 25, page 45, line 19, by striking out after the word "of" the words "three hundred" and inserting in lieu thereof the words "two hundred twenty-five"; also in line 20, by striking out at the beginning of said

line the figures "($300,000)" and inserting in lieu thereof the figures "($225,000)"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Falkenstein,	Mason,	Shreiner,
Alexander,	Ferko,	McCreary,	Smugarts,
Allen,	Finnerty,	McDermott,	Siegel,
Altenburg,	Fitch,	McDevitt,	Simon,
Andrews,	Flanagan,	McElroy,	Simpson,
Arnold,	Flinchbaugh,	McHenry,	Sinwell,
Atkins,	Flynn,	McKinney,	Sloan,
Aukerman,	Forrest,	Melchiorre,	Smith, J. A.,
Baine,	Furman,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Gates,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gerard,	Moomaw,	Snyder, J. L.,
Baldi,	Gillette,	Mooney,	Sowers,
Barber,	Green,	Moore,	Spangler,
Barnhardt,	Greenstein,	Moran,	Sproul,
Bernhard,	Habbyshaw,	Moul,	Stank,
Blumberg,	Haberlen,	Muir,	Stevens,
Boose,	Hagerty,	Munley,	Stewart,
Boyd, R.,	Haluska,	Murrin,	Stockham,
Boyer,	Hamilton, F. P.,	Nagel,	Stone,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stott,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hart,	O'Neill,	Tahl,
Brown, J. E.,	Hartman,	Panton,	Terry,
Brownfield,	Hefferon,	Parks,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, C.,	Trout,
Burke,	Hetrick,	Patterson, J. W.,	Tumelty,
Cannon,	Hindman,	Pearson,	Turner,
Caputo,	Hirsch,	Perry,	Van Allsburg,
Carr,	Hoffner,	Peters,	Van Sickle,
Carson,	Holland,	Pfaff,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Coleman,	Jones,	Rhys,	Welliver,
Condon,	Kane,	Rinn,	Welsh,
Conner,	Kelder,	Roan,	Westrick,
Coolahan,	Kelso,	Robinson,	White,
Cordier,	Kilroy,	Rooney,	Wickersham,
Davies,	Kinney,	Root,	Wilson,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1916, (Senate Bill No. 141), as follows:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six twenty per centum on or before the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight and the final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine and Provided further That the respective current taxes for the years during such installment periods shall be paid before they become delinquent

If any taxpayer availing himself of the provisions of this act shall fail to pay any instalment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid installment or installments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years and receive the benefit of this act

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for non payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

MOTION TO POSTPONE BILL

Mr. MENTZER. Mr. Speaker, I move that this bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. FLINCHBAUGH. Mr. Speaker, I would like to interrogate the gentleman from Westmoreland, Mr. Mentzer.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. MENTZER. Mr. Speaker, I will.

Mr. FLINCHBAUGH. Mr. Speaker, I would like to ask the gentleman from Westmoreland whether he is postponing this at the request of the sponsor of the bill?

Mr. MENTZER. Mr. Speaker, I am not. At a meeting this afternoon of the members of the minority and majority of the House, it was agree that a committee would be appointed to study this bill and other bills, and to present a bill to the House which would be acceptable to the members.

Mr. FLINCHBAUGH. Mr. Speaker and ladies and gentlemen of the House, this measure has been before this House for quite a long time, and it is imperative that something be done to this measure. We are all pledged for the relief of the taxpayers, and there is no better measure before the House at this time, I think, for the

relief of the taxpayers. In other cities and other states, where the penalties have been abated, there has been a great influx of tax moneys. For instance, in the city of Rochester, New York, where there were abatements of delinquent penalties and interest, over 50% of the delinquent taxes flowed into the treasury immediately. It is better to have the tax money with abatement of the penalty and interest than not to have it at all.

On the first of May, which is the day after tomorrow, a great many of these tax liens will be filed unless this House act favorably tonight, and I ask you ladies and gentlemen to vote down the motion of the gentleman from Westmoreland, Mr. Mentzer.

Mr. O'KEEFE. Mr. Speaker, I would like to interrogate the gentleman from Westmoreland, Mr. Mentzer.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. MENTZER. Mr. Speaker, I will.

Mr. O'KEEFE. Mr. Speaker, is the gentleman from Westmoreland postponing this with the intention of amending?

Mr. MENTZER. Mr. Speaker, yes sir, if the committee recommends the amendments.

Mr. O'KEEFE. Mr. Speaker, the gentleman stated "if the committee recommends the amendments."

Mr. MENTZER. Mr. Speaker, I say if the committee recommends.

Mr. O'KEEFE. Mr. Speaker, I would like to asck the gentleman from Westmoreland, Mr. Mentzer, which committee he refers to.

Mr. MENTZER. Mr. Speaker, I mean the committee that was agreed on this afternoon, members of this House that were interested in the delinquent tax, who were called to a meeting, and they agreed with the Chairman, and a motion was made that a committee be appointed to report this week on this bill or some other bill which would be so drawn that it would be acceptable to the members of this House.

Mr. O'KEEFE. Mr. Speaker, may I ask the gentleman from Westmoreland whether or not the proposed amendments have been taken up with the joint committee of the House and Senate appointed to study this bill?

Mr. MENTZER. Mr. Speaker, I do not think they have.

Mr. O'KEEFE. Mr. Speaker and members of the House the bill in its present form has been recommended to this House by the Joint Committee appointed by the House and Senate to study this bill, and I ask the members of the House to vote "no" on the motion to postpone.

Mr. MENTZER. Mr. Speaker, last week this bill was amended to make the measure of collecting the current taxes on the condition that 20% of the delinquent taxes be paid each year. After this amendment was placed in the bill, a new amendment was placed in, bringing back the current taxes, and a great many members of the House feel that the property owner today is not in a position to pay his current taxes.

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WITKIN. The gentleman is discussing the merits of the bill, and the question is on the motion to postpone.

The SPEAKER. The point of order is well taken. The merits of the bill are not under discussion.

Mr. MENTZER. Mr. Speaker, this evening at 5:30 there were approximately 50 members of this House at a meeting, and it was decided then a committee should be appointed to study this question. I feel that the question has not been properly studied, and that the members of his House should be given the privilege of presenting to the House a bill that is acceptable and will be a real benefit to the property owner.

Mr. REISING. Mr. Speaker and members of the House, to postpone this bill at this time to my mind is just putting off until another day something that we can do today. Any action that was taken this afternoon by the 50 members of this House will not conflict in any way with passing this bill here tonight. So, I would ask that the motion to postpone be voted down.

On the question recurring,
Will the House agree to the motion?
It was not agreed to.
On the question recurring,
Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker and members of the House, this bill under various names has been before this House before. In its present form it provides that any tax that is now due in 1930 until 1934, taxes can be paid in installments up until 1939 without one cent's worth of interest and without one cent's worth of penalty. I personally think it is not fair to the men and the women of this Commonwealth who have met their obligations to the state and to the county and to the township and the school districts and the rest of the municipalities of this Commonwealth to pass this bill in its present form. The ressons for this I pointed out in a speech which I made in the Pearson Bill, which is similar to this, when before the House, and I do not intend to repeat what I then said, but I do want to call attention to this fact, that this bill in its present form will not encourage payment of taxes in 1935, but it will discourage the payment of taxes in 1935.

One of the bills referring to the abatement of taxes which was before this House provided that you could come in and pay the taxes immediately and thereupon get the abatement. If this bill did provide that within a six month period you could come in and pay your taxes and get the abatement of all penalties and interest, I do not think that it would be a particularly good bill, but it would be a better bill than the bill in its present form, because the bill not only discourages the payment of taxes now but it goes further and says: "no, pay them in installments. We will give you up until 1939 to pay these taxes and we will not charge you one cent's worth of interest or one cent's worth of penalty."

I do not think, Mr. Speaker and members of the House, that a bill of this type is fair, and I further do not think that it will encourage the payment of taxes promptly. Next session the people who have not paid their taxes will be back again and they will want more relief and I say that it is not relief to the taxpayers that they are asking, it is relief to the ones who have not paid the taxes.

Mr. Speaker, I propose to make a motion that the vote by which this bill passed third reading be reconsidered, and if that motion is carried I propose to submit amendments to this bill, which will provide that in an effort to make a compromise, we abate all penalties and all in-

terest if the taxes are paid within six months of the effective date of this act, but if any person proposes to pay these taxes in the installments suggested here that they will pay a fair rate of interest for that.

MOTION TO RECONSIDER VOTE

Mr. WOODSIDE. I move, Mr. Speaker, that the vote by which this bill passed third reading be reconsidered.

On the question,

Will the House agree to the motion?

Mr. ACHTERMAN. Mr. Speaker and members of the House, I wish to rise to support the motion of the gentleman from Dauphin, stating that I too desire to offer amendments to the bill for the purpose of limiting any abatement of interest and penalty to only the home owners living in the home at the time that the taxes were assessed. The reason for such an amendment is quite apparent. It is done solely for the purpose of confining the benefit to the small individual and not to the large taxpayer who has chiseled. For that reason I am asking the members of the House to support the motion.

Mr. REISING. Mr. Speaker and members of the House, this motion is just another move to defeat the purpose of the bill which is to help the distressed taxpayers. It goes without saying that unless we can give relief to the real state taxpayers we cannot have recovery. This will not in itself, as the bill stands now, give a whole lot of relief, but it will be one step in the right direction. I would ask that in view of the fact that real estate, regardless of who may own it, rich men or poor men, is taxed too heavily, it is our duty as representatives here, and everyone of you regardless of your party affiliations, has without doubt pledged your constituents, who own real estate, to assist them in reducing the tax load. This is one time that we can do something that will help your constituents, and I feel that you should vote down this motion, which, if its intent is carried out, will destroy completely the purpose of the bill, and since it has gone through the Senate, I feel it is little enough on our part to go along with it as it now is and I will ask you to vote down this motion.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the nays appear to have it.

Whereupon a division was called for and fifty-eight members having voted in the affirmative and ninety-nine in the negative the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker and members of the House, I rise to oppose the passage of this bill and I call to the attention of the members of the House the fact that it is claimed by the proponents of this bill that it will materially help the taxpayers. I wish to point out to the members of this House the fallacy of this statement. We are all very familiar with the fact that municipalities are struggling along with little or no money; that such fund as they do have constitute in the main part, borrowed money on which they are paying interest. If this bill is passed the burden of that interest will be passed on to those individuals who have paid their taxes. I repeat, Mr. Speaker, that those individuals who have paid their taxes in the past will find no incentive to do so in the future. I point out to the members of the House that as a matter of fact by far the greatest majority of the people of this Commonwealth are paying their taxes. I think it is true that there is a large minority that have been unable to do so, and you will just shift the burden. It will mean that those individuals who have been paying their taxes in the past will cease paying them and it will leave the burden to those who have up to the present time apparently been unable to carry on and pay the taxes. It will result in but one thing, and that is a complete falling down and breaking up of our municipal form of government. Let me point out to the members of the House just a small paragraph in this bill. I do not think you will find it in your calendar. This is what it states: "The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxs have been assessed and levied."

It simply means that those individuals who have been foreclosing, those individuals who have been taking advantage of the conditions when they foreclose will now be extended the benefits of this act, although they did not show the same courtesy and the same kindness to their debtors when they were in trouble. Again, let me state to the members of the House that the only class and the main class that is going to be benefited by this act is the large taxpayer, those who have proven to be the chiselers, who have not met their duties to government, they alone are the men to benefit by this act, and for that reason I ask the members of the House to vote against this bill.

Mr. WEISS. Mr. Speaker and members of the House, tax abatement bills have two fundamental principles which are: first, to give the property owners an opportunity to pay the delinquent tax and abate any penalty and interest that may have accrued. And second, by providing in such a bill that during the time allowed for delinquent taxes that the current taxes must be paid in order to discourage tax delinquencies.

I must surely dissent from the statement made by the gentleman from Dauphin, Mr. Woodside, when he said that the burden falls upon the man who is able to and has been paying his taxes. This bill will remedy and aid a condition of that kind by reducing that load, because the gentleman on that side of the House well knows that the local government, school boards, in fixing their budgets do not levy on assessments but they levy on estimated receipts, and we know that in the past several years tax collections have fallen from 90 percent to approximately 60 per cent. Naturally, the tax load falls upon the man who is able to pay. This bill remedies a situation of that kind. This bill, the Huffman-Rankin bill, isn't the best bill that could have been drawn, but it is the best bill under the corcumstances. We have made a political football out of a half-dozen bills in this House, and yet we are all trying to grant relief to the over-burdened tax payers and the property owners. I have a schedule here of a similar system of collections in the city of Buffalo, New York, which shows that by inserting the provisions of current tax collections it has materially aided in the receipts received in the past year, representing some 26 per cent increase in the tax collections during 1934. Some seem to say that if a person is unable to pay their current taxes, they do not have enough money to pay a current taxes, let alone pay delinquent taxes. If that situation is true how do they have any money to pay delinquent taxes in

installments? We must insert this feature if we are to aid both the taxpayers and the property owners.

Let us remember the words of Lincoln. Lincoln stated that the foundation of our government lies in the security of our homes, and certainly we cannot build up the morale of the property owner by continually placing taxes and taxes and not even giving them a semblance of relief. I say that this bill is the best bill available. It has gone through the Senate, practically unanimous, and I ask this House to endorse and support this bill.

Mr. WOODSIDE. Mr. Speaker, and members of the House. I have said before and before that I favor a reasonable tax penalty abatement bill, and I reaffirm that statement. However, this House has passed a bill which will permit each municipality to pass such abatement legislation as will meet the needs of that particular district. I think that that bill is a vast improvement over the one before us. I think that bill should be enacted into law instead of the one which is before us. Each municipality and each district can face its own problem in its own way, and in those districts where they feel that the taxpayers will be benefited, as was suggested by the gentleman from the other side of the House, who has just spoken, they can then abate that penalty and all interest, but if the districts, such as those I have in mind who have contacted me feel that they will not benefit the taxpayers, by a general abatement of all interest, and all taxes, and all penalties, and they feel that they will not benefit by that then those districts need not pass a general bill or general legislation which will abate all penalty and all interest. They can do that which they consider to be the best thing for the district in which they are governed. I submit to the members of the House the people who have this problem in their own districts are best fitted to decide what are the best things for the taxpayers of that district, for they have the taxpayers of the district at heart. It is they that must pay the millage. If this bill will give them an increase of millage, and I submit it will in many districts, then I would say we are the ones who are putting responsibility upon those people which we should not place upon them, and I submit, members of the House, for that reason this bill should be defeated.

Mr. BLUMBERG. Mr. Speaker and members of the House, I dislike very much to find myself in disagreement with my very good friend from Dauphin. Unfortunately I have been wrestling with this problem of tax abatement for about two months. As you know we have had several bills, we have had the Faulkenstein bill, we have the Eroe bill, the Witkin bill. We have had several bills brought up in the Senate the Huffman-Rankin blil, the Salus bill, the Shapiro bill. The result has been we have passed in the House the Falkenstein and the Eroe bill, and both of these bills are bottled up into the Senate Committee. The Senate has passed the Huffman-Rankin bill, and the Salus bill. The Salus bill is bottled up in a Committee in the House. The Huffman-Rankin Bill only came out under these circumstances. When both Houses found themselves in disagreement, a resolution was introduced into the House providing for a joint committee of five members of the House and five members of the Senate to sit down and decide two bills that would be acceptable generally in both the House and the Senate, in order to make sure they were getting some tax abatement bill brought out of this session. The Speaker appointed five members of the House, three of the majority and two of the minority party. The Senate did likewise. That Committee met on two occasions. We had before us all of the bills introduced into this session. As the result of that work on all of these bills this committee agreed that the Huffman-Rankin bill was the most satisfactory bill that we could get, applicable to all sections of the state, with the exceptions of cities of the first class, and that the Salus bill with certain amendments to be inserted was the only bill that met with the consent of the members of cities of the first class in the House and in the Senate. The point I want to make is this, if we are going to have tax abatement, we must agree on a bill that will go through both Houses. The Huffman-Rankin bill is the only bill applicable to the state on which there is an agreement. If the Huffman-Rankin bill is passed here tonight, that settles the situation. It it is not and it is amended no House bill will be moved in the Senate, and the Senate will not concur in the House amendments.

Are we sincere, are we serious about affording some relief to the delinquent tax-payer? This bill provides that if the man who does not have the money to pay his delinquent taxes, he is given five years within which to pay it, to wit, twenty per cent a year, and providing,—and here is the important point,—that in each of those five years the delinquent taxpayer pays his current taxes, so that in order to take advantage of the abatement of penalties and interest we assure to the tax districts the collection of the current taxes. Obviously, if we do what Mr. Woodside suggested, offer an abatement only if all the taxes are paid within six months, we are affording no relief because the delinquent taxpayer cannot possibly pay all of his delinquencies within six months in addition to his current taxes. Here is a system where we assure the collection of current taxes, a most important matter, important to every school district, which the gentleman from Dauphin speaks about, because if they cannot collect their current taxes, then they have to go out and borrow them and then pay interest on the borrowed money. They will be certain to receive the current taxes under this bill and receive twenty per cent of the delinquencies in addition.

This bill does not apply to Philadelphia, and so, Mr. Speaker, I am not speaking from a selfish standpoint. A bill applying to Philadelphia, I hope, will be out on the floor of the House sometime tomorrow, but in the meantime I say to you if you are serious in helping the distressed real estate owner, here is your opportunity, because the Senate and House conferees have agreed that it is the best that we can give to you.

Mr. NAGEL. Mr. Speaker and members of the House, I hope your faculty of memory has not failed you. If it has not, I ask you to go back with me to the days prior to the sixth day of November when we published the statement that there would be a political meeting somewhere, a Democratic meeting, a Republican meeting or a Socialist meeting, and invited the voters of our district to attend this meeting. You will recall how those voters came in and how from them there arose the cry of distress because of their great burden of taxation; the cry that they were going to lose their homes; the cry that they were no longer able to carry on. We got up on that platform and with the stars and stripes in back of us, we said to them what we would do towards reducing their taxes and abating their penalties. Now, were we sincere in

this? Are we sincere tonight? Are we willing and prepared to carry the sacred promise that we made to our constituents back home? Let us be fair. Let us be free from this lip service and give our constituents a heart service, and vote for this bill.

Mr. DENT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Blumberg.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. BLUMBERG. I will, Mr. Speaker.

Mr. DENT. Mr. Speaker, I would like to ask the gentleman from Philadelphia why Philadelphia is not included in this tax bill?

Mr. BLUMBERG. Mr. Speaker, in reply I might state that because of the very large delinquency in Philadelphia it was thought that special provisions were needed in the Philadelphia bill. Two years only are given to pay the tax delinquencies. Not five years as in the present bill.

Mr. DENT. Mr. Speaker, may I ask the gentleman from Philadelphia whether a delinquent taxpayer in Philadelphia who could not pay his taxes presumably because he did not have the money, is any different from a taxpayer back in Westmoreland county who could not pay for the same reason?

Mr. BLUMBERG. Mr. Speaker, I say that the situation is entirely different. The bulk of the delinquencies in Philadelphia is not owed by the small home owners, but rather by the large realty corporations, the title companies and the insurance companies.

Mr. DENT. Mr. Speaker, may I ask the gentleman from Philadelphia whether he knows who was the largest group of delinquent taxpayers in Jeannette, Pennsylvania?

Mr. BLUMBERG. Mr. Speaker, I must say I am unfamiliar with the situation in Jeannette or Squedunk.

Mr. DENT. Mr. Speaker, I want to thank the gentleman for the enlightening answer to my question because it has only brought home the thought that Mr. Woodside tried to bring home to the members of the House. We find ourselves——

Mr. BLUMBERG. Mr. Speaker, may I ask the gentleman whether he is asking me a question or making a statement?

Mr. DENT. Mr. Speaker, usually when I thank a man I am through with him.

Mr. Speaker and ladies and gentlemen of the House, the gentleman from Philadelphia has confessed that he does not know the situation in Jeanette or Squedunk. Well, I don't know the situation in Philadelphia and I am ready to admit the fact, and I do not know the situation in Fayette county or Pittsburgh. I do know the situation in my own town. As a member of the Borough Council of Jeanette I feel that I, as part of the body that assesses the millage for the year, am in a better position to know how many years it would take or what conditions it would take for a delinquent taxpayer in Jeanette to pay his back taxes, than a man sitting in here from Philadelphia. Therefore, it is agreed that Philadelphia has a situation which is its own. I claim that we all have in every community that we come from, a situation which is entirely our own. Some of us come from manufacturing districts, some of us come from rural districts. The same remedy won't always cure the same disease. We find ourselves in the same predicament as the two men who had infected toes. They went to see the doctor together. One of the men was pretty large and the other was small. One doctor said, "We will amputate the toe of the small fellow." The other doctor stood, "No, we will amputate the foot." He said, "What are you going to do with the big fellow?" "Well, we will just have to amputate the toe." One doctor said, "All right, we will amputate the foot of the little fellow and we will let the big fellow alone." Yet it happens that the Senate tells us that we must not amend this bill or they won't pass it, and yet they tell us that Philadelphia has a situation of its own, and we have got to pass a bill for Philadelphia alone. There was a bill passed in this House which was an intelligent piece of legislation because it provided that every community could solve its own problem. There isn't anything fairer to a delinquent taxpayer in a small community that to have that community take care of the situation. Under this present act if the people are not at work in a smaller community this year and they may be next year, if they have the power in that community to pay the tax next year, it would be far more beneficial to the delinquent taxpayer, to lay the law down under the assumption that conditions are better today than in the last four years, and I defy you to show me where they are any better. He is in no better position to pay today and yet you are asking him to pay 20% of his back taxes. I claim, as Mr. Achterman claims, that it is only favoring a few people who foreclosed on mortgages, and they gave no quarter, and yet ask us to. I ask you to vote "no" on this measure. If the Senate is as sincere as they claim they are, they can pass a bill which will give local option to the people who deserve it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Alexander,	Fitch,	McElroy,	Shreiner,
Allen,	Flanagan,	McHenry,	Shugarts,
Andrews,	Flinchbaugh,	McKinney,	Siegel,
Atkins,	Flynn,	Melchiorre,	Simon,
Baine,	Forrest,	Merrell,	Simpson,
Baker, F. T.,	Furman,	Moomaw,	Sinwell,
Baker, J J.,	Gates,	Mooney,	Sloan,
Baldi.	Gerard,	Moore,	Smith, J. A.,
Barnhardt,	Gillette,	Moran,	Smith, W. G.,
Bernhard,	Green,	Moul,	Snyder, F. E.,
Blumberg,	Greenstein,	Muir,	Snyder, J. L.,
Boose,	Hagerty,	Munley,	Sowers.
Boyd, R.,	Haluska,	Murrin,	Spangler,
Boyer,	Hamilton, F. P.,	Nagel,	Sproul,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stank,
Brancato,	Harkins,	O'Keefe,	Stewart,
Brennan,	Harmuth,	Ominsky,	Stockham,
Brown, H. S.,	Hart,	O'Neill,	Stone,
Brown, J. E.,	Hartman,	Panton,	Stott,
Brownfield,	Hefferon,	Parks,	Sumney,
Brumbaugh,	Hermansen,	Patterson, C.,	Surface,
Burke,	Hetrick,	Patterson, J. W.,	Tahl,
Cannon,	Hindman,	Pearson,	Terry,
Caputo,	Hirsch,	Perry,	Tronzo,
Carr,	Hoffner,	Peters,	Trout,
Carson,	Holland,	Pfaff,	Tumelty,
Castor,	Holstrom,	Phillips,	Turner,
Chervenak,	Horst,	Piole,	Van Allsburg,
Coakley,	Jackson,	Powers,	Van Sickle,
Cochran,	Jones,	Reising,	Walker,
Coleman,	Kane,	Reynolds,	Wall,
Condon,	Kelder,	Rhys,	Wasserman,
Conner,	Kelso,	Rinn,	Weidemann,
Coolahan,	Kilroy,	Roan,	Weiss,
Cordier,	Kinney,	Robinson,	Welliver,
Davies,	Klinger,	Rooney,	Welsh,
Decker,	Kobelak,	Root,	Westrick,
Denning,	LaRue,	Ruffennach,	White,
Diehl,	Long,	Sarraf,	Wickersham,
Dilley,	Longaker,	Scanlon,	Winner,

Downey, G. E.,	Lovett,	Schrock,	Witkin,
Downey, J. J.,	Lynch,	Schrope,	Wood,
Duffort,	Mallen,	Schwab,	Yeakel,
Eberharter,	Mason,	Schwartz,	Yourishin,
Eroe,	McCreary,	Shaw,	Zappala,
Falkenstein,	McDermott,	Shepard,	Zimmerman,
Ferko,	McDevitt,	Shortz,	Sarig,
Finnerty,			

NAYS—12

Achterman,	Habbyshaw,	Male,	Stevens,
Altenburg,	Haberlen,	Mentzer,	Wilson,
Dent,	Hoopes,	Ruth,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

REPORT FROM COMMITTEE

Mr. BURKE, from the Committee on Cities reported as committed, House Resolution No. 137.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1721.

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1923-1934 P. L. 174) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation" by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

QUESTION OF PERSONAL PRIVILEGE

Mr. JOHN J. BAKER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. JOHN J. BAKER. Mr. Speaker on page 2357 of the Journal of Wednesday April 17, I am recorded as voting "No" on House Bill No. 1611. I was in my seat and voted 'aye".

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Appropriations will meet tomorrow morning at 9:00 A. M. in room 326.

The Committee on Ways and Means will meet tomorrow at 9:30 A. M. in room 323.

The Committee on Cities will meet tomorrow at 10:00 A. M. in room 324.

The Committee on Highways will meet tomorrow at 10:00 A. M. in room 324.

The Committee on Judiciary General will meet tomorrow at 10:00 A. M. in room 325.

The Committee on Agriculture will meet tomorrow at 5:00 P. M. in room 324.

The Committee on Banking will meet tomorrow immediately after the morning session in room 323.

The Committee on Labor will meet tomorrow immediately after final adjournment in room 324.

The Committee on Highways will hold a public hearing on House Bill No. 1432, tomorrow from 2:00 to 4:00 P. M. in the Farm Show Building. All members of the Highway Committee are requested to attend.

The Committee on Elections will not meet tomorrow.

The Committee on Judiciary Special will not meet tomorrow.

The members of the House met today and organized for the purpose of determining plans and methods of effecting reduction on real estate taxation, and authorized Chairman Frank J. Atkins of Armstrong County to make the appointment of a bi-partisan committee to work out such plans for presentation to the members of the House in special committee at the next meeting. The following named members will please assemble in the House Caucus room after the Wednesday Morning session to organize the committee for action: Messrs. Reising, Barber, Van Sickle, McDevitt, Arnold, Weiss, Baker, Francis T. Simon, Stone, Coleman, Surface, Patterson Cliff, Shortz, Achterman, Trout, Murrin, Long, Patterson J. W., Schrock, Smith, William G., Sloan, Duffort, Snyder, Jas. L., Horst, Boyer, and Atkins, Chairman.

ADJOURNMENT

Mr. LONG. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 1:08 P. M.) the House adjourned until Tuesday, April 30, 1935, at 11:00 A. M. (E. S. T.)

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, APRIL 30, 1935 No. 54

SENATE

TUESDAY, April 30, 1935

The Senate met at 2 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O God, at this season of plowing and planting the world of nature seems to thrill with promise of life to come. The sowers go forth to sow, strengthened and heartened for their toil by the hope of an abundant harvest by and by. Their labor and Thy power, Our Father, are transforming the earth into a bower of rare beauty. Hillsides, valleys and orchards are pregnant with hope of rich maturity when buds shall become fruit and green blades shall have developed into fields of golden grain. Wilt Thou not, O Jehovah, plow the fallow ground of our hearts. Plant therein seeds of noble ambition and manly purposes. Help us as we strive to bring unto fruition this divine planting. Send the sushine and rain of Thy presence and power upon the gardens of our hearts so there may come a rich and plentiful garnering when the sheaves are gathered at the final harvest-tide of life's season.

May we daily grow into nobler character and truer manhood, making the world more beautiful and fruitful because we have lived in it.

Bless this Senate. Make its members men after Thine own heart. We thus pray in the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

PETITIONS

OPPOSING PENDING TAX ON MUNICIPAL OWNED WATER COMPANIES

Mr. RODGERS presented to the Senate petition from the Council of the Borough of Springdale protesting against the pending tax on municipal owned water and electric companies.

Which was referred to the Committee on Finance.

FAVORING HOUSE BILL No. 494

He also presented petition from the Women's Social Club of West Wilmerding favoring House Bill No. 494.

Which was referred to the Committee on Education.

OPPOSING SENATE BILL No. 204

He also presented petition from the Borough of Oakdale, Allegheny County, protesting against Senate Bill No. 204.

Which was referred to the Committee on County Government.

ANNOUNCEMENT

The SECRETARY. The meeting of the Committee on Banking to be held at two o'clock today, has been postponed until next Tuesday, at the same hour.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 893 (Senate Bill No. 1148), entitled:

An Act providing for the payment of the compensation, medical and hospital expenses of policeman and firemen by cities, boroughs, towns and townships who are injured in or taken sick as a result of the performance of their duty; and providing that absence during such injury or sickness shall not reduce any usual sick leave period.

Which was committed to the Committee on Municipal Government.

House Bill No. 1683 (Senate Bill No. 1149), entitled:

An Act to amend section six of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "Uniform Firearms Act," by exempting hunters and fishers from the licensure provisions of the act under certain circumstances.

Which was committed to the Committee on Game and Fisheries.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1721

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1721, entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1933-34 Pamphlet Laws, one hundred seventy-four) entitled "Milk Control Board Law," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk and powdered skimmed milk; changing, adding to, and increasing license fees and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations; providing new and changing existing penalties; and making an appropriation.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 631

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 631, Printer's No. 259, entitled "An act to amend sections five and six of the act approved the twenty fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five), entitled 'An act for the encouragement of agriculture and the holding of agricultural associations and regulating the payment thereof' changing the time for filing application for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit theretofore prescribed by the act"

be recalled from the Governor for the purpose of amendment.

TIME OF NEXT MEETING

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 6, at nine o'clock, Eastern Standard Time; and that when the House of Representatives adjourns this week it reconvene Monday evening, May 6, at nine o'clock, Eastern Standard Time.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1721, entitled:

An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (1933-34) Pamphlet Laws, one hundred seventy-four) entitled "Milk Control Board Law," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk and powdered skimmed milk; changing, adding to, and increasing license fees and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations; providing new and changing existing penalties; and making an appropriation.

House Bill No. 775, entitled:

An Act relating to the sale, delivery, weighing and importation of manure for mushroom growing; making certain practices in connection therewith misdemeanors, and fixing fines and penalties for the violation thereof; providing for the payment of such fines into the State Treasury; and requiring the Department of Agriculture to enforce the provisions of this act.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

SENATE BILL No. 141. RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 141, entitled:

An Act authorizing the abatement of certain tax penalties and interest on county, city, (except city of the first class), borough, town, township, school district (except school district of the first class) and poor district taxes.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. HUFFMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bills.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend Section 1, page 2, line 21, by adding at the end of the line, after the words "thirty-nine," the following: "and, Provided further, That the respective current taxes for the years during such installment periods shall be paid before they become delinquent"

On the question,

Will the Senate agree to the amendments?

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. ZIESENHEIM, from the Committee on Military Affairs, reported as committed, Senate Bill No. 511 (House Bill No. 965), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

Mr. COYNE, from the Committee on Executive Nomination, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

WASHINGTON COUNTY

Miss Edith M. Cowan, Monongahela, April 29, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

PHILADELPHIA COUNTY

Miss L. M. Miller, Philadelphia, May 4, 1935.

NORTHAMPTON COUNTY

James W. Johnson, Pen Argyl, May 6, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

James R. Fulton, Carnegie.
Fred J. Schucha, Pitcairn.
James Shaughnessy, 535 Court House, Pittsburgh.
N. A. Spielmeyer, 12 Eighth St., Pittsburgh.

DELAWARE COUNTY

Stillman A. Darrel, Upper Darby.
Mrs. Alice M. Plotts, Media.

ERIE COUNTY

Mrs. Pauline Hayes, Girard.

LACKAWANNA COUNTY

John Dano, Scranton.
Frank J. Kirst, Scranton.

LAWRENCE COUNTY

Mrs. Thelma I. Clausen, Ellwood City.

LEBANON COUNTY

Aaron C. Stager, Lebanon.

VENANGO COUNTY

Fred W. Richardson, Oil City.

WASHINGTON COUNTY

Miss Matilda Langenbacher, Washington.
B. E. York, Washington.

WYOMING COUNTY

Miss Elizabeth Steele, Tunkhannock.

YORK COUNTY

Walter H. L. Spangler, York.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Sue Abercrombie, Verona.
David J. Ryan, Grant Street, Pittsburgh.

DAUPHIN COUNTY

Miss Mary E. Fenical, Harrisburg.

LEHIGH COUNTY

Sam E. Walters, Allentown.

MERCER COUNTY

Jack W. First, Mercer.

PHILADELPHIA COUNTY

John E. Green, 12th and Market Sts., Philadelphia.
P. J. Merrigan, 5316 Kingsessing Ave., Philadelphia.
Randall A. Snyder, Cunard Bldg., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Ira R. Hill, 3222 Grant Bldg., Pittsburgh.
Miss Mary A. Pontis, 4th and Wood Sts., Pittsburgh.
William H. Thomas, Etna.

BERKS COUNTY

Mrs. Grace I. Webber, Rehrersburg.

GREENE COUNTY

Chas. H. Church, Rogersville.

PHILADELPHIA COUNTY

Miss Marian Ward, 2801 Hunting Park Av., Philadelphia.

WAYNE COUNTY

F. Carroll Krautter, Newfoundland.

GEORGE H. EARLE.

April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

DAUPHIN COUNTY

Miss Anna M. Collins, Harrisburg, May 25, 1935.

PHILADELPHIA COUNTY

Miss Blanche Salmons, Philadelphia, May 27, 1935.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations,

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Coyne,	Law,	Reed, (Washington)	Trainer,
Ealy,	Mallery,	Rice,	Ziesenheim,
Frey,	McClure,		
Gelder,	McCreesh,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. CAVALCANTE, from the Committee on Military Affairs, reported as committed, Senate Bill No. 406 (House Bill No. 817), entitled:

An act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications.

Mr. HUNSICKER, from the Committee on State Government, reported as committed, Senate Bill No. 1052 (House Bill No. 1521), entitled:

An Act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare.

Also from the Committee on State Government, reported as committed, Senate Bill No. 1040, entitled:

An Act to control and regulate the dispensing of alcoholic beverages at retail under licenses as defined dividing the Commonwealth into Retail Licensing Districts creating District Retail Licensing Boards defining their powers and duties and providing for employes of such boards and fixing salaries authorizing and restricting certain classes of licenses for the dispensing of alcoholic beverages and the issuing transferring revoking and suspending of such licenses and fixing certain license fees for different classes of such licenses and providing for the payent thereof prohibiting certain practices in dispensing liquors certain interests therein and connections therewith by licensees and others providing for the submission to the electors of certain municipalities and counties of the question whether certain classes of such licenses shall or shall not be granted for such municipalities making disposition of license fees and other monies and imposing penalties.

Also from the Committee on State Government reported as committed, Senate Bill No. 1049, entitled:

An Act to amend clauses (i) and (1) of section two, and section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," as amended; further defining distilleries and wineries; and providing for the licensure and rights of manufacture of unfortified wine.

Also from the Committee on State Government reported as committed, Senate Bill No. 846, entitled:

A Supplement to the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties;" providing for the districting of the State in order to spread the licensing work of the board; defining the powers of the board and its members with respect to the granting, transfer and revocation of hotels, restaurant and club licenses, and for appeals; providing for staggered license dates; further extending civil service provisions to employes of Pennsylvania liquor stores; and repealing inconsistent laws.

BILLS RECOMMITTED

Mr. HUNSICKER. Mr. President, I move that Senate Bill No. 1040, just reported from committee, be recommitted to the Committee on Law and Order.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUNSICKER. Mr. President, I move that Senate Bill No. 1049, just reported from committee, be recommitted to the Committee on Law and Order.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUNSICKER. Mr. President, I move that Senate Bill No. 846, just reported from committee, be recommitted to the Committee on Law and Order.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. ARON from the Committee on Public Health reported as amended, Senate Bill No. 848, entitled:

An Act to provide for sexual sterilization of mental defectives providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties

Mr. BENNETT from the Committee on Military Affairs reported as committed, Senate Bill No. 1039, entitled:

An Act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones and flags; and for the compilation of war records.

Mr. THOMPSON from the Committee on State Government, reported as committed, Senate Bill No. 812 (House Bill No. 694), entitled:

An Act to amend section two of the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine, (P. L. 721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within this Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, providing for the service of process upon the Secretary of Revenue by registered mail.

Also from the Committee on State Government, reported as committed, Senate Bill So. 864 (House Bill No. 1776), entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

Mr. REED (Washington), from the Committee on Military Affairs, reported as committed, Senate Bill No. 426 (House Bill So. 819), entitled:

An Act to amend sections five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensation for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonibing the act with Federal law.

Mr. RICE from the Committee on Military Affairs, reported as committed, Senate Bill No. 404 (House Bill No. 815), entitled:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" requiring certain qualifications for the Adjutant General and establishing a board for the determination and payment of minor damages caused by the National Guard.

Mr. TRAINER from the Committee on Military Affairs, reported as committed, Senate Bill No. 675 (House Bill No. 826), entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and thirty-three (P. L. 804 entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard" making such continuity of service effective for qualification for service medals.

Mr. STAUDENMEIER, from the Committee on State Government, reported as committed, House Resolution, which was laid on the table:

STATE EMERGENCY RELIEF BOARD URGED TO CONTINUE DISTRIBUTION OF MILK

In the House of Representatives, January 29, 1935.

Whereas, Unemployment relief has heretofore generally been distributed by the State Emergency Relief Board in the form of food and clothing vouchers or orders; and

Whereas, Many persons are of the opinion that such distribution should be in the form of direct or cash relief; and

Whereas, That method of distribution is already in effect in the counties of Philadelphia and Allegheny; and

Whereas, It is of paramount importance that milk be always available to the needy, particularly to the ill and to children; and

Whereas, The State Emergency Relief Board is able to procure milk more cheaply than destitute families can purchase it directly; therefore be it

Resolved, (if the Senate concur), By the General Assembly of the Commonwealth of Pennsylvania, That the State Emergency Relief Board be urged to continue the direct distribution of milk without regard to the method or methods which may be adopted in the distribution of relief generally; and, be it further

Resolved, That a copy of this resolution be forwarded to the Director of the State Emergency Relief Board of this Commonwealth.

Mr. RUPP, from the Committee on Military Affairs, reported as committed, Senate Bill No. 407 (House Bill No. 851), entitled:

An Act to amend paragraphs one and two of section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 681), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard; imposing duties upon the Department of Military Affairs," altering qualification requirements for the award of such medals.

Mr. PYTKO, from the Committee on State Government, reported as committed, Senate Bill No. 1017, entitled:

An Act relating to the Pennsylvania State Park at Erie; authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants, and to acquire by purchase or eminent domain private property rights or interests, in respect to any lands within said park.

Also from the Committee on State Government rereported as committed, Senate Bill No. 577 (House Bill No. 1281), entitled:

An Act to further amend section two thousand four hundred and two of the act approved the nine day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

Also from the Committee on State Government, reported as committed, the following Resolution:

PURCHASE OF POTATOES GROWN IN PENNSYLVANIA FOR RELIEF NEEDS

In the House of Representatives, April 24, 1935.

Whereas, potatoes are one of the most important cash crops of Pennsylvania farmers, and

Whereas, Pennsylvania is one of the five leading potato growing states; therefore be it

Resolved, (if the Senate concur) that it is the sense of the General Assembly that the State Emergency Relief Board continue its policy of buying potatoes grown in Pennsylvania for Pennsylvania relief needs.

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions lie on the table be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDEST. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

EMPLOYEE OF THE SENATE

Mr. HOMSHER. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER offered the following resolution, which was twice read, considered and agreed to:

In the Senate, April 30, 1935.

Resolved, That the following person be elected an employe of the Senate, as is provided for by Act of Assembly:

PAGE

Ray Rathfon, 3227 North Fourth Street, Harrisburg, vice Charles W. Tittle, Jr., resigned.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 4

Mr. BATCHELOR. Mr. President, I ask unanimous consent to introduce a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR offered the following resolution, which was twice read, considered and agreed to:

CONCURRENT RESOLUTION

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 4, Printer's No. 308, entitled "An act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine [and] thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled 'An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the

protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties' [as amended providing for the payment of claims for damages for live stock dying from or killed because of rabies] requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present same to House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on County Government reported as amended, Senate Bill No. 614, entitled:

An Act to add section four hundred and forty-nine to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the third class to appropriate money to county poor districts for hospital purposes.

PERMISSION GRANTED TO COMMITTEE ON BANKING TO HOLD MEETING DURING THE SESSION OF THE SENATE

Mr. SORDONI. Mr. President, the Committee on Banking was supposed to have a meeting today at two o'clock. Owing to the fact that the Senate was in Session, it has been postponed for a week. There are some gentlemen here from Washington to attend that meeting, and the Committee would like to have permission to meet at this time in the room to the right, while the Senate continues in Session.

The PRESIDENT. Is there objection? The Chair hears none, and leave is granted the Committee to meet.

RECESS

Mr. PYTKO. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. REED (Washington). Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill has passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 141, entitled:

An Act authorizing the abatement of certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class) and poor district taxes.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ELK COUNTY

Miss Nellie Keeley, Dagus Mines.

HUNTINGDON COUNTY

W. Carleton Madden, Huntingdon.

JEFFERSON COUNTY

Clemens Simon, Sykesville.

LUZERNE COUNTY

Frank P. Scrudato, Pittston.

PHILADELPHIA COUNTY

Louis De Sipio, 5430 Webster St., Philadelphia.
Luke M. Fisher, 8106 Eastwick Avenue, Philadelphia.

VENANGO COUNTY

Mrs. Mayme H. Mason, Franklin.
Leon P. Moore, Franklin.

WASHINGTON COUNTY

Mrs. Gertrude D. Swallow, Washington.

GEORGE H. EARLE.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Dauphin). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of personal privilege.

Mr. REED (Dauphin). Mr. President, on Tuesday last, April 23rd, in this Chamber, I made some remarks on the subject of Democratic policies, State and National.

In discussing unemployment relief, I called attention to the fact that Governor Earle had persistently referred

to the number receiving relief in Pennsylvania as being 2,000,000.

I refuted that figure. I stated that throughout the three months of the Earle Administration the average number on relief had been only 1,690,000, and that the Governor therefore was exaggerating by 310,000, or nearly 20%.

I desire now to call the attention of this Chamber to a subsequent refutation of the Governor's figures, from an authoritative source within his own official family.

On April 25th, Mr. Robert L. Johnson, State Relief Administrator, issued what purported to be a "reply" to my statement. In the sixth paragraph of that "reply" he referred to "our 1,750,000 relief recipients."

It will be noted that this figure is a quarter of a million less than that of the Governor, and within 60,000 of the figure I gave. I trust that in his next statement Mr. Johnson will go the rest of the distance and admit that my figure—an average for three months—was precisely correct.

In my remarks on April 23rd I also said:

"It is a justifiable assumption that the Governor calculated that the enlarged figure would help soften the shock to the public when the fact was revealed that during the first three months of his administration the cost of relief, per person, was 70% above the average for the whole of 1934, and 120% above the average for the corresponding three months of last year."

Of this, Administrator Johnson, in his aforementioned statement said:

"It is pointed out, quite accurately, that total expenditures for unemployment relief are much greater now than they were....."

I take this opportunity publicly to thank Administrator Johnson for the courage and candor with which he has corroborated those two important statements in my remarks of last week.

Mr. PRESIDENT, with the historic facts concerning the immortal conflict at Thermopylae, I am in entire agreement with my friend, the learned Senator from Centre, Mr. Thompson. It was at Thermopylae, the narrow pass leading from northern to central Greece, that in the year 480 B. C., King Leonidas of Sparta made his famous stand against the mighty King Xerxes of Persia. With three hundred Spartans he held the pass of Thermopylae until a traitor showed the Persians and unguarded path over the mountain whereby the Persians in overwhelming numbers attacked the Spartans in the rear.

Upon the spot where Leonidas and his brave companions fell were erected a monument upon which was carved the inscription so eloquently quoted by the distinguished Senator from Centre last evening.

"Go tell the Spartans, thou that passeth by,
That here, obedient to their laws, we lie."

My learned friend, the Senator from Centre, has overlooked the fact that at the Extraordinary Session of 1932, the State Emergency Relief Board came into existence, because the Democratic Congress in Washington had decreed that funds coming from the Federal Government could only be dispensed in Pennsylvania through Governor Pinchot. So great was the love of a Democratic Congress for Governor Pinchot that the fight that was won by the true Spartans of Pennsylvania in 1931 for efficiency and economy and frugality in government was nullified in 1932, and at the behest of the Democratic Congress the present extravagant system of Administration of Unemployment Relief was inaugurated, a system which my friend, the able Senator from Centre so justly deplores.

And, Mr. President, from the hour that the crime of 1932 was committed, when under the lash of the Democratic Congress which sought to enthrone Pinchot by depriving the legally elected custodians of the poor of all power of relief, by placing it in the hands of the Chief Executive by means of a Commission which would be subservient to the Executive's will, Pennsylvania has witnessed the orgy of greed, graft, extravagance and chiseling, which so mightily stirs the heart of the distinguished Senator from Centre.

Over the political grave of Gifford Pinchot and certain of his devoted followers may be inscribed these words—

"Go, tell the Pennsylvanians, thou that passeth by,
That here, obedient to Pinchot's laws, we lie."

And the Pinchoites are mostly all there, that is, all except the Noble Beamish, who has miraculously escaped.

Not all the Spartans in the Legislature of Pennsylvania were obedient to Pinchot's will. My friend, the Senator from Centre, I am sure would not wish to misquote my position, but I am afraid he unwittingly did so when he included me in the Spartan Band which stood by Pinchot.

In order that the record may be set straight, I quote the remarks which I made upon the floor of the Senate on March 29, 1933, when House Bill No. 1590, making an appropriation to the State Emergency Relief Board, was before the Senate on third reading. I quote from page 1633 of the Legislative Journal 1933 as follows:

"My second reason for desiring to amend the bill is that as the bill now stands there is a question as to its constitutionality. Under the pending bill, the money is to be distributed according to the provisions of the second Talbot Act; that is through the State Emergency Relief Board. I do not imply criticism of the distinguished gentlemen serving on that Board, but the Governor has so much control, that the operations of that Board have been most unfortunate. I concede that the State Emergency Relief Board is a proper agency to distribute funds coming from the Federal Government, but equally I contend that it is not the proper agency to distribute funds secured from the taxpayers of Pennsylvania."

Attorney General Schnader, as you will recall, was positive in his statement that the first Talbot Bill was a violation of the Constitution, but the Supreme Court of Pennsylvania kept that bill on the statute books of Pennsylvania, and Governor Pinchot and Attorney General Schnader had to submit. My amendment therefor would cause this money to be distributed through the Poor Boards of Pennsylvania in accordance with the provisions of the first Talbot Act, a method which the Supreme Court of Pennsylvania has said violates no provision of the Constitution. The second Talbot Bill has never been tested in the courts. It is my opinion that it is unconstitutional. The first Talbot Bill was held constitutional on all counts, especially as a poor law. In my opinion, the second Talbot Bill is unconstitutional because it is not a poor law and violates Article 3, Section 18, of the Constitution, prohibiting appropriations for charitable purposes.

Mr. President, I have consistently advocated that adequate relief be furnished to the needy of Pennsylvania and that it be furnished in the only manner it can constitutionally be done, viz. by direct appropriation to the

poor boards of Pennsylvania. I do not intend to take the time of the Senate now other than to emphasize the fact that I am not a Pinchot Spartan. Personally I have no objections to the Senator from Centre consigning Pinchot to a political grave. In my opinion Governor Pinchot is as politically dead as is King Leonidas, but I do object to being consigned to the same grave with Governor Pinchot. To put Governor Pinchot and the Senator from Dauphin in the same political grave may be an everlasting threat to "eternal peace."

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, in the wake of all this bombastic eulogy on the glories of ancient Sparta and a humorous contempt for the welfare of our people, I rise to a question of personal privilege on the state and safety of the Commonwealth.

Mr. President, Article IV, Section 11 of the Constitution, in referring to His Excellency the Governor, provides that: "He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient."

This language, Mr. President, is not ambiguous.

It is the purest and most lucid of English.

It imposes a positive duty upon His Excellency, the Governor, to give and recommend to the consideration of the General Assembly such measures as he may judge expedient to the welfare of the people.

Nowhere in it do we find that it is only to be considered by a fractional part of the General Assembly.

When the information and recommendations are made to this Senate they are to be considered by the whole Senate and not by a fractional part thereof.

Has this Senate, as a constitutional whole, been permitted to give a sensible and open-minded consideration to the information and recommendations given to it by His Excellency?

No, Mr. President, all the information and recommendations given by His Excellency have been removed from the floor of this Senate and are now being considered in secret caucuses and hidden conference rooms of Mr. Grundy, Mr. Mellon, Mr. Taylor, Mr. Pew, special interests, and the pandering Republican party spirit.

The false voice of these seducers of the public welfare is now sent forth through radio waves paid for with gold poured into the coffers of the Republican party by the filthy hands of the Grundys, Mellons, Taylors, Pews, and special interests.

This manner of considering the information and recommendations of His Excellency is not the manner prescribed by the Constitution.

Turning our attention to Sections 601 and 602 of the Administration Code of 1929, we find that, among other things: "The Budget Secretary shall, in each even-numbered year, obtain and prepare information necessary for the preparation of a State Budget for the Biennium beginning June 1st of the following year.....

"The Budget Secretary shall, on or before the first day of January, next succeeding, submit to the Governor, in writing, the information requested by the Governor, as a basis for the Governor's estimates for appropriations for the next succeeding biennium.

"As soon as possible, and not later than four (4) weeks after the organization of the General Assembly, the Governor shall submit a State Budget embracing therein the amounts recommended by him to be appropriated....."

The duty imposed upon His Excellency by this lawfully enacted Code must be slightly confusing to our Republican colleagues.

He is commanded to present the budget when it has been duly compiled by the Budget Secretary.

His Excellency has discharged his duty conformably with the Code and the budget has been before this Senate for more than two (2) months.

Authentically the budget is no more than a compilation of estimates of the probable expenditures for the ensuing biennium and the tentative source from which the revenues may be levied to defray those expenditures.

Experience teaches that in times like the present expenditures are often innocently underestimated while revenues are overestimated.

It is wise, therefore, that sufficient latitude should be allowed in computing these estimates so that their shall not be a collapse of governmental functions for the want of revenues.

The House of Representatives, after consideration of the information and recommendations of His Excellency, has effected the passage of appropriate bills and has forwarded them to this Senate for concurrence.

What has this Senate done in regard to them?

Like hungry wolves in sheeps clothing they have falsely robbed themselves with the immortal fame of Thomas Jefferson and Abraham Lincoln, and, thus robbed, they feast their predatory maws upon the ruins of the people's government.

So resolute and inexorable is their plundering hunger that neither the Constitution, the lawfully enacted statutes nor the honorable and accepted rules of parliamentary procedure have escaped their devastating ravages.

Article III, Section 14 of the Constitution provides that: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills."

It has been many weeks ago that the House of Representatives forwarded to this Senate a number of revenue bills to balance the budget submitted by His Excellency, the Governor.

Again I ask what has this Senate done with these bills?

Here on my desk I find a typewritten statement which is entitled as follows: "Statement by Honorable John G. Homsher, President Pro Tempore of the Senate of Pennsylvania, and Chairman of the Republican caucuses on behalf of the Republican members of the Senate of Pennsylvania."

I also find a second statement entitled: "Further Statement by the Honorable John G. Homsher with reference to Republican Tax Program."

Reading over these statements, Mr. President, I observe a conglomeration of numerical figures in sums of millions upon millions so confusingly expressed that the income tax compilations of Amos and Andy, of radio fame, are sensible and lucid in contrast.

Where in the Constitution or the law, Mr. President, is it written that a certain Honorable John G. Homsher, President Pro Tempore, and the Republican members of

this Senate have become the sovereign dictators of this Commonwealth to the complete exclusion of the Democratic members of this Senate, the House of Representatives, the Constitution, the people and everyone else who are opposed to their pandering desires?

Where in the Constitution and law do these self-appointed dictators pretend to get their power to proceed to the consideration of these revenue bills to the exclusion of the nineteen (19) Democratic members of this Senate?

Were not the Democratic members elected through the constitutional methods adopted by the people?

The mandates of the Constitution and the law are clear.

The place where these tax revenue bills are to be considered is here on the floor of this Senate and not in the caucuses and secret hiding places of the Grundys, Mellons, Taylors, special interests and the pandering Republican party spirit.

To consider these bills in the manner they are now considered by a clique of this Senate is slowly inciting the peaceful people of this Commonwealth to use their sovereign powers to protect themselves against the destruction of their Constitution and government.

No man with proper senses can expect the thinking people to remain peaceful while this Senate stubbornly refuses to heed their will upon matters vital to their civil and political existence.

If this stubborn and pandering Republican party spirit continues to transgress the clear provisions of the Constitution, will not the people be justified in laying violent hands upon our throats?

The people are tired of seeing this filthy Republican party spirit playing partisanship with the miseries and wants of the people.

How long will it be before this stubborn partisanship is set aside and the whole of this Senate be permitted to settle down to the serious task of alleviating the burdensome condition of our people?

Surely we cannot expect the people much longer to remain idly by while this vandalizing Republican party spirit continues its devastations.

As a member of this Senate I do not intend to slink cowardly away while that modern Attila, Joseph J. Grundy, and his barbaric hordes of vandals sweep traitorously on to the rape of the Constitution and the plunder of the government and the people.

I shall not weaken while they, with deceptive tongues, and crocodile tears on behalf of labor, call upon their misconcepted God to hasten the day when their great Grundy, Mellon, Taylor, Pew and special interests shall see the standards of American labor beneath those of the slavish Japanese.

Article III, Section 33 of the Constitution, relating to this Senate, provides that: "A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon."

Mr. President, if there are members of this Senate who have a personal or private interest in the results of the bills now before this Senate, the same should be made known and the interested member remove himself from the consideration of these measures so that the Constitution may remain inviolate and the people of this Commonwealth receive the relief they so patiently await.

QUESTION OF PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. McGinnis, will state his question of personal privilege.

Mr. McGINNIS. Mr. President, hardly a day passes in this Senate—I know not a week—but that we hear from the Republican side bewailing of the administration of the Emergency Relief. I want to remind my good brethren on the other side of the House that whatever iniquity is built up in the Emergency Relief was built up under a Republican administration. The years of Emergency Relief in this State under Gifford Pinchot was built up when this Senate was Republican and when the House was Republican, and it is rather tiresome to sit here day after day and hear these Senators on the other side complain about the administration of Emergency Relief when not a word was said for the two years that they had control of this Emergency Relief and had control of the Senate and of the House; and I wish to remind the Senators on the other side that there has been only three months of this administration, and all of this is coming out now in the light of day. We had not heard about the Emergency Relief during the past two years, until George H. Earle was inaugurated Governor of this State, and a Democratic House took charge on the other side; and today there are at least a dozen counties in which the House has started investigation into the iniquities and corruption of the administration of the Emergency Relief built up under Gifford Pinchot.

Now, you cannot say that the Democrats are playing too much politics in the administration of this relief. Our Governor went outside of this State and picked a man from Connecticut to come down here and administer this relief; he didn't pick a Democratic politician. And I want to say to you, Mr. President, that if he had picked an Angel from Heaven to come down here to take charge of the administration of relief built up under Governor Pinchot, it would take him more than three months to clean house.

BILLS INTRODUCED

Mr. NORTON read in his place and presented to the Chair, Senate Bill No. 1150, entitled:

An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections: providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violation of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws.

Which was committed to the Committee on Appropriations.

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 1151, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1152, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act:" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1153, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act:" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1154, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act:" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

COMMITTEE TO DRAFT RESOLUTION ON THE DEATH OF HONORABLE JAMES S. BOYD.

The PRESIDENT. The President Pro Tempore, announces the following Committee to draft resolutions on the death of the late Senator from Mongomery, Honorable James S. Boyd, and to conduct memorial services on May 8th, at 2:30 P. M.; The Senator from Montgomery, Mr. Bean; the Senator from Lackawanna, Mr. Howell, the Senator from Berks, Mr. Norton, the Senator from Allegheny, Mr. Harris, the Senator from Cambria, Mr. Baumer, and the Senator from Philadelphia, Mr. Hunsicker.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 70, as follows:

An Act to amend sections one and seven as amended clauses (a) and (d) and clause (g) as amended of section fifteen and clauses (b) and (c) as amended of section twenty-three and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and

the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" as amended by section one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand one hundred eighty-five) is hereby further amended to read as follows

Section 1 Definition of Terms Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the list of officers and candidates and the statements of questions on the voting machine shall be deemed an "official ballot"

As used in this act

(1) The words "ballot-labels" shall mean the cards paper or other material containing the names of officers and candidates and statements of questions to be voted on

(2) The word "diagram" shall mean an illustration of the official ballot when placed upon the machine showing the names of the parties offices and candidates and statements of the questions in their proper places together with the voting devices therefor and shall be considered a specimen ballot

(3) The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election

(4) The words "irregular ballot" shall mean the paper or other material on which a vote is cast on a voting machine for persons whose names do not appear on the ballot-labels

(5) The words "vote indicator" shall mean those devices with which votes are indicated for candidates or for or against questions

(6) The words "candidate counters" and "question counters" shall mean the counters on which are registered numerically the votes cast for candidates and on questions respectively

(7) The words "public counter" shall mean a counter or other device which shall at all times publicly indicate how many times the machine has been voted on at an election.

(8) The words "protective counter" shall mean a counter or protective device or devices that will register each time the machine is operated and shall be constructed and so connected that it cannot be reset altered or operated except by operating the machine

(9) The words "voting machine booth" shall mean the enclosure occupied by the voter when voting

(10) The word "model" shall mean a mechanically operating model of a portion of the face of the machine illustrating the manner of voting

(11) The word "custodian" shall mean the person charged with the duty of testing and preparing the voting machine for the election and instructing the election officers in the use of the voting machine

(12) The words "election" and "elections" whenever used in this act shall be held to include and mean all general municipal primary and special elections

(13) The word "borough" shall be held to include incorporated town

(14) The word "seal" and other words of the singular number relative thereto shall include the plural number as applied to a voting machine designed to be made secure with two or more seals

Section 2 That section seven of said act as amended by section six of said amending act is hereby further amended to read as follows

Section 7 Requirements of Voting Machines No voting machine shall upon any examination or reexamination be approved by the Secretary of the Commonwealth or by any examiner appointed by him unless it shall at the time satisfy the following requirements

(a) It shall provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted

(b) It shall permit each voter at other than primary eleections to vote a straight party ticket in one operation and in one operation to vote for all the candidates of one party for presidential electors and in one operation to vote for all the candidates of one party for every office to be voted for except those offices as to which he votes for individual candidates

(c) It shall permit each voter at other than primary elections to vote a ticket selected from the nominees of any and all parties from independent nominations and from persons not in nomination

(d) It shall permit each voter to vote at any election for any person and for any office for whom and for which he is lawfully entitled to vote whether or not the name of such person appears upon a ballot-label as a candidate for nomination or election and to vote for as many persons for an office as he is entitled to vote for and to vote for or against any question upon which he is entitled to vote

(e) It shall preclude each voter from voting for any candidate or upon any question for whom or upon which he is not entitled to vote and from voting for more persons for any office than he is entitled to vote for and from voting for any candidate for the same office or upon any question more than once except in districts and for offices where cumulative voting is authorized by law

(f) It shall be capable of adjustment by election officers so as to permit each voter at a primary election to vote only for the candidates for nonpartisan nomination if any and for the candidates seeking nomination by the political party in which he is enrolled if he is enrolled as a member of a political party and so as to preclude him from voting for the candidate seeking nomination by any political party in which he is not enrolled

(g) It shall permit each voter to deposit write in or affix upon receptacles or devices provided for the purpose ballots containing the names of persons for whom he desires to vote whose names do not appear upon the machine

(h) It shall permit each voter to change his vote for any candidate or upon any question appearing upon the ballot labels up to the time he begins the final operation to register his vote or indicates or expresses his intention to register his vote

(i) It shall permit and require voting in absolute secrecy and shall be so constructed that no person can see or know for whom any other elector has voted or is voting save a voter whom he has assisted or is assisting in voting as prescribed by law

(j) It shall have voting devices for separate candidates and questions which shall be arranged in separate parallel rows or columns so that at any primary election one or more adjacent rows or columns may be assigned to the candidates of a party and shall have parallel office columns or rows transverse thereto

(k) It shall have a counter or other device the register of which is visible from the outside of the machine which shall show during any period of voting the total number of voters who have operated the machine during said period of voting

(l) It shall have a protective counter or other device the register of which cannot be reset which shall record the cumulative total number of movements of the operating mechanism

(m) It shall be provided with a lock or locks by the use of which immediately after the polls are closed or the operation of the machine for an election is completed all movements of the registering mechanism is absolutely prevented

(n) It shall be provided with a screen hood or curtain which shall conceal the actions of the voter while voting

(o) It shall be constructed of material of good quality in a neat and workmanlike manner

(p) It shall when properly operated register or record correctly and accurately every vote cast

(q) It shall be so constructed that a voter may readily learn the method of operating it

(r) It shall be safely transportable

(s) It shall be so constructed and controlled that during the progress of voting it shall preclude every person from seeing or knowing the number of votes registered for any candidate and from tampering with any of the registering mechanism

(t) If it is of a type equipped with mechanism for printing paper proof-sheets and not requiring the counters to be made visible in order to canvass the votes recorded

on the machine the door or other device concealing such counters or keeping the same concealed may be equipped with a lock or locks requiring the simultaneous use of three separate and substantially different keys to open or operate the same

Section 3 That clauses (a) and (d) of section fifteen of said act are hereby amended and clause (g) of section fifteen of said act as amended by section thirteen of said amending act is hereby further amended to read as follows

(a) The county commissioners shall deliver the keys which unlock the operating mechanism and the registering counters or counter compartment of the voting machine to the judge of election not earlier than noon the Saturday preceding an election nor later than three-quarters of an hour before the time set for the opening of the polls and shall take his receipt therefor The keys shall be enclosed in a sealed envelope on which shall be written or printed (1) the number of the voting machine (2) the name or designation of the election district (3) the number of the seal and (4) the number registered on the protective counter or device as reported by the custodian Provided however That if the type of voting machine used requires the simultaneous use of three keys to unlock the registering counters or counter compartment only two of said keys shall be enclosed in said sealed envelope the third key being retained by the custodian the county commissioners or such other person as they shall have authorized

(d) But if the numbers on the seal and the protective counter or device shall both be found to agree with the numbers on the envelope the envelope shall be opened and where the voting machine provided is not equipped with mechanism for printing paper proof-sheets the election officers shall examine the registering counters and for that purpose shall open the doors concealing such counters if the construction of the voting machine shall so require and before the polls are opened the judge and each inspector shall carefully examine every counter and shall see that it registers zero (000) and shall allow the watchers to examine the counters When the voting machine provided is equipped with mechanism for printing paper proof-sheets and requires the simultaneous use of three keys to unlock the registering counters or counter compartment the judge of election shall deliver one of the two keys aforesaid to the minority inspector to be retained by him as hereinafter provided and shall then print at least t o proof-sheets one of which the judge and each inspector shall carefully examine to ascertain whether every counter registers zero (000) and shall then preserve said proof-sheet to be signed by them and returned to the prothonotary or the county commissioners as the case may be with the duplicate return sheet and shall sign and post the other proof-sheet upon the wall of the polling place where it shall remain until the polls are closed The key delivered by the judge of election to the minority inspector as aforesaid shall be retained by the minority inspector until the polls have been closed and the voting and counting mechanism of the machine shall have been locked and sealed against voting and shall then be returned to the judge of election for return by him to the county commissioners as hereinafter provided

(g) The machine shall remain locked against voting until the polls are opened and shall not be operated except by voters in voting If any counter is found not to register zero (000) the election officers shall immediately notify the custodian or the county commissioners who shall if practicable adjust or cause the counters to be adjusted at zero (000) but if it shall be found impracticable for the custodian or other person authorized by the county commissioners to arrive in time so to adjust such counters before the time set for opening the polls the election officers shall immediately make a written record of the designation or designating letter or number of [each] such counter together with the number registered thereon hereinbelow called the initial number and shall sign and post the same upon the wall of the polling place where it shall remain until the polls are closed Provided however That if the voting machine used is equipped with mechanism for printing paper proof-sheets in any case where any counter is shown by such proof-sheet not to register zero (000) if it shall be found impracticable to have such counter adjusted before the time set for opening the polls the election officers shall sign such printed proof-sheet and post the same upon the wall of the polling place where it shall remain until the polls are closed and in filling out the returns of the election if the final number of such counter is greater than the initial number the election officer shall substract the initial number from the final number and enter the difference on the returns as the vote for the candidate or on the question represented by such counter if the final number of such counter is less than the initial number the election officers shall add one thousand to the final number and shall subtract the initial number from the sum so ascertained and shall enter upon the returns as the vote for the candidate or on the question represented by such counter the final number plus one thousand less the initial number

Section 4 That clauses (b) and (c) of section twenty-three of said act as separated and amended by section nineteen of said amending act are hereby further amended to read as follows

(b) [The] If the type of voting machine provided shall require the counters to be seen in order to enable the election officers to canvass the vote the election officers in the presence of the watchers and all other persons who may be lawfully within the polling place shall then make visible the registering counters and for that purpose shall unlock and open the doors or other covering concealing the same giving full view of all the counter numbers If the voting machine is equipped with mechanism for printing paper proof-sheets the election officers shall forthwith print not less than five proof-sheets and as many more as may be necessary to supply one to each member of the election board overseer candidate watcher representative of a newspaper and other person who may be lawfully present within the polling place requesting the same The judge of election shall then under the scrutiny of the two inspectors of election the overseers if any and the watchers and in the order of the offices as their titles are arranged on the machine read from the counters or from one of the proof-sheets as the case may be and announce in distinct tones the designation or designating number and letter on each counter for each candidate's name the result as shown by the counter numbers the votes recorded for each office for persons other than nominated candidates and the designation or designating numbers and letters on each counter and the results as shown by the counter numbers for and against each question voted on The counters shall not be read consecutively along the party rows or columns but shall always be read along the office columns or rows completing the canvass for each office or question before proceeding to the next The vote as registered shall be entered by the election officers in ink on duplicate return sheets and also on a general return sheet and statement all of which after the canvass is completed shall be signed by the election officers and certified by the overseers if any The vote for presidential electors shall be computed and returned as provided hereinbefore in section nineteen of this act If more than one voting machine is used in any election district the vote registered on each machine shall be ascertained in like manner and separately entered in appropriate spaces on the general and duplicate return sheets and statement the total vote cast for each candidate and for and against each question shall then be computed and entered on the general and duplicate return sheets and statement There shall also be entered on the general return sheet and statement the number of voters who have voted as shown by the lists of voters and the number who have voted on each machine as shown by the public counters and also the number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine The number or other designation of each machine used shall also be entered thereon In the case of primary elections duplicate return sheets shall be prepared for each party The registering counters of the voting machine or the paper proof-sheets as the case may be shall remain exposed to view until the said returns and all other reports have been fully completed and checked by the inspectors and overseers if any During

such time any candidate or duly accredited watcher who may desire to be present shall be admitted to the polling place

(c) The proclamation of the result of the votes cast shall be announced distinctly and audibly by the judge of election who shall read the name of each candidate the designation or designating numbers and letters of his counters and the vote registered on each counter also the vote cast for and against each question submitted During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine or with the paper proof-sheets as the case may be and any necessary corrections shall then and there be made by the election officers after which the doors or other cover of the voting machine shall be closed and locked Any ballots deposited written or affixed in or upon the voting machine shall be inclosed in properly sealed packages and properly indorsed and shall be delivered by the judge of election as hereinafter provided The judge of election shall promptly deliver to the county commissioners or their duly authorized representative the keys of the voting machine inclosed in a sealed envelope if the construction of the voting machine shall permit their separate return Said envelope shall have indorsed thereon a certificate of the election officers stating the number of the machine the election district where it has been used the number on the seal and the number on the protective counter or device at the close of the polls

Section 5 That section twenty-four of said act is hereby amended to read as follows

Section 24 Return of Votes The general return sheet duplicate return sheets and statement shall be printed to conform with the type of voting machine used and in form approved by the Secretary of the Commonwealth The designating number and letter if any on the counter for each candidate shall be printed thereon opposite the candidate's name Provided however That it shall not be necessary to print the name or designating counter number or letter of any candidate for any borough township ward or election district office Immediately after the vote has been ascertained the statement thereof shall be posted on the door of the polling place The minority inspector shall retain one of said duplicate return sheets one numbered list of voters sealed as aforesaid the voting check list (in districts other than cities) and one set of oaths of election officers and other affidavits The other duplicate return sheet numbered list of voters oaths of election officers and affidavits of voters and others and the ballot check list (in districts other than cities) shall be sealed up and given to the judge of election who shall deliver them together with the general return sheet and the package of ballots deposited written or affixed in or upon the voting machine to the prothonotary in the case of general municipal or special elections and to the county commissioners in the case of primary elections provided that returns of elections for borough and township officers shall be made to the officer directed by law to receive them If the type of voting machine is equipped with mechanism for printing paper proof-sheets one of said proof-sheets shall be posted on the door of the polling place with the statement aforesaid one shall be retained by the minority inspector one shall be placed in the envelope and delivered with the general return sheet and one shall be sealed in the envelope with the duplicate return sheets and delivered by the judge of election to the prothonotary or to the county commissioners as the case may be These four proof-sheets having been printed and preserved the election officers shall print an additional proof-sheet and deliver the same to each member of the election board overseer candidate watcher representative of a newspaper or news agency and other person who may lawfully present within the polling place requesting the same until the supply of paper in the voting machine shall have been exhausted The printed proof-sheet returned with the general return sheet and the printed proof-sheet returned with the duplicate return sheet shall each be part of the return of the election

Section 6 That section twenty-six of said act is hereby amended to read as follows

Section 26 Provision for Recanvass of Vote (a) Whenever it shall appear that there is a discrepancy in the returns of any election or upon petition of three voters of any district verified by affidavit that an error although not apparent on the face of the returns has been committed therein or of its own motion the court of common pleas board of county commissioners or other return board shall at any time prior to the completion of the computation of all of the returns for the county summon the election officers of the district and said officers in the presence of said court or board shall make a record of the number of the seal upon the voting machine and the number on the protective counter or other device shall make visible the registering counters of such machine and without unlocking the machine against voting shall recanvass the vote cast thereon Before making such recanvass the said court or board shall give notice in writing to the proper custodian of voting machines and to each candidate and to the county chairman of each party or independent nominating body affected by the canvass and each such candidate may be present in person or by attorney and each of such parties or nominating bodies may send two representatives to be present at such recanvass If upon such recanvass it shall be found that the original canvass of the returns has been correctly made from the machine and that the discrepancy still remains unaccounted for the said court or board with the assistance of the custodian in the presence of the election officers and the authorized candidates and representatives shall unlock the voting and counting mechanism of the machine and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes if any of the discrepancy in returns from such machine Each counter shall be reset at zero (000) before it is tested after which it shall be operated at least one hundred times After the completion of such examination and test the custodian shall then and there prepare a statement in writing giving in detail the result of the examination and test and such statement shall be witnessed by the persons present and shall be filed with the said court or board If upon such recanvass it shall appear that the original canvass of the returns by the election officers was incorrect the said returns and all papers being prepared by the said court or board shall be corrected accordingly

(b) Provided however That in the case of returns from any election district wherein the election was held by the use of a voting machine equipped with mechanism for printing paper proof-sheets said proof-sheets if mutually consistent shall be deemed to be the primary evidence of the result of the election and to be prima facie accurate and there shall not be considered to be any discrepancy or error in the returns from any such district such as to require a recanvass of the vote if all available proof-sheets from the voting machine used therein identified to the satisfaction of the return board and shown to its satisfaction to have been produced from proper custody shall be mutually consistent and if the general and duplicate returns or either of them from said district shall not correspond with said proof-sheets they and all other papers being prepared by said return board shall be corrected so as to correspond with the same in the absence of allegation of specific fraud or error proved to the satisfaction of the return board by the weight of the evidence and only in such case shall the vote of said election district be recanvassed under the provisions of this section

Section 7 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Norton,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Soudoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	

Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,		Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 256, as follows:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act any non-resident of this Commonwealth being the operator or owner of any aircraft who shall accept the privilege extended by the laws of this Commonwealth to nonresident operators and owners of operating an aircraft or of having the same operated over or above the lands and waters of the Commonwealth of Pennsylvania or of using its aviation facilities or both or any resident of this Commonwealth who shall subsequently become a nonresident or shall conceal his whereabouts shall by the operation of an aircraft over or above the lands and waters of the Commonwealth of Pennsylvania make and constitute the Secretary of Revenue of the Commonwealth of Pennsylvania his her or their agent for the service of process in any civil suit or proceeding instituted in the courts of the Commonwealth of Pennsylvania against such operator or owner of such aircraft arising out of or by reason of any accident or collision occurring within or above the Commonwealth in which such aircraft is involved

Section 2 Such process shall be served by the officer to whom the same shall be directed upon the Secretary of Revenue of the Commonwealth of Pennsylvania by sending by registered mail postage prepaid at least fifteen (15) days before the return day of such process a true and attested copy thereof and by sending to the defendant by registered mail postage prepaid a like true and attested copy with an endorsement thereon of the service upon said Secretary of Revenue addressed to such defendant at his last known address The registered mail return receipts of the Secretary of Revenue and of such defendant shal be attached to and made a part of the return of service of such process

Section 3 The officers serving such process upon the Secretary of Revenue shall pay to said Secretary at the time of service a fee of two dollars ($2.00) which fee shall be taxed as costs in the case The Secretary of Revenue shall keep a record of each such process and the day and hour of the service thereof upon him

Section 4 This act shall be construed to extend the right of service or process upon nonresidents and upon residents who subsequently become nonresidents or who conceal their whereabouts and shall not be construed as liiting any provisions for the service of process now or hereafter existing

Section 5 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Norton,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 249, as follows:

An Act to further amend section five of the act approved the ninteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" providing that no affidavit of defense shall be required before the return day of the writ

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended by section one of the act approved the nineteenth day of March one thousand nine hundred and twenty-three (Pamphlet Laws fourteen) is hereby further amended to read as follows

Section 5 The defendant or party intervening shall within fifteen days after the filing of such declaration file an affidavit of defense thereto setting up the facts denying plaintiff's title and showing his own title to said goods and chattels and in event of his failure so to do upon proof that a copy of said declaration was served upon him or his attorney judgment may be entered for the plaintiff and against the defendant or party intervening which judgment shall operate to forfeit any counter bond given by him The court may enter judgment with like effect for want of a sufficient affidavit of defense or for such goods and chattels as may be admitted to be the property of the plaintiff in the affidavit of defense or may enter judgment with like effect for such goods and chattels as to which the court may adjudge the affidavit of defense insufficient And in the event of judgment being rendered in favor of the plaintiff for a portion of such goods and chattels replevied he may proceed to recover such goods and chattels by writ of retorno habendo or the value thereof after assessment of damages on a writ of inquiry of damages issued and the case shall be proceeded in for recovery of the balance If the defendant has been duly summoned and does not appear at the return-day of the writ the plaintiff having filed his declaration may file a common appearance for the defendant and proceed in the cause as in other cases Where the writ has been returned nihil habet as to the defendant it shall be lawful for the plaintiff at and after the third

term of the court after the execution of the writ to take judgment against the defendant for default of appearance Provided That the plaintiff fifteen days prior to the entry of said judgment shall have filed his declaration And provided further That no affidavit of defense shall be required to be filed under the provisions of this act in any case before the return day of the writ

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Norton,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 603 as follows:

An Act to amend section six of the act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 857) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the court judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the apyment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" changing the qualifications of persons to be appointed as registrars

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 857) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commissions and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this

act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" is hereby amended to read as follows

Section 6 The commissioners shall not later than August fifteenth of each year appoint four registrars for each election district as herein provided and designate two of them one of whom shall be of the majority party to have charge of the two registers as hereinafter provided The registrars must be duly qualified electors of the said district and shall have been residents of the city for a period of two years and of the ward for one year immediately preceding their appointment They must be sober and judicious persons of good moral character able to read intelligently and to write legibly Two of the registrars shall be members of the party [polling the highest vote] enrolling the largest number of voters in its party within the election district [at] for the last preceding November election and one at least shall be a member of the party [polling] enrolling the next highest number of votes [at] for said election The commissioners shall provide at all times a board of registrars not more than two of whom shall be [of] enrolled in the same political [faith] party If therefore it appears at any time that by reason of a change in political affiliations or because of error in the appointment a board is not so divided any ten electors of any election district may file a petition with the commissioners setting forth the facts and praying that one or more of the appointments may be revoked and that other appointments may be made Upon presentation of such a petition one of the commissioners shall fix a time not less than five days thereafter and at least three days' notice shall be given by mail to all the registrars of such board who are [alleged to be of the same political faith] enrolled in the same party when a public hearing shall be given all concerned and if the facts are then found to be as represented the commissioners shall give the relief asked for

Whenever expedient they may appoint the assessor of any election district if otherwise qualified as one of the registrars but no other person who holds or is a candidate for public office shall act as registrar

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Aron,	Gelder,	Mallery,	Salus,
Batchelor,	Graff,	Norton,	Staudenmeier,
Bean,	Harris,	Owlett,	Thompson,
Bennett,	Harvey,	Pierson,	(Westmoreland)
Buckman,	Homsher,	Prince,	Trainer,
Chapman,	Howell,	Reed,	Ziesenheim,
Coyne,	Hunsicker,	(Dauphin)	
Ealy,			

NAYS—19

Baumer,	Lanius,	Rankin,	Rodgers,
Cavalcante,	Law,	Reed,	Rupp,
Clark,	McCreesh,	(Washington)	Sones,
Frey,	McGinnis,	Rice,	Thompson,
Huffman,	Pytko,	Roberts,	(Centre)
Kahle,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 804 as follows:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 614 Revocation of Operating Privilege

(a) Upon receiving a certified record from the clerk of the court of proceedings in which a person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of any one of the crimes enumerated in this section [The] the secretary shall forthwith revoke for a period of one (1) year from the date of revocation the operating privilege of any such person [upon receiving a certified record from the clerk of the court of proceedings in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of one of the following crimes] and where such person was convicted or entered a plea of guilty or nolo contendere of any one of the crimes enumerated in clauses (1) (2) and (3) of this section such operating privilege shall not be restored unless and until the fine and costs imposed in such cases have been fully paid

1 Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

2 Using a false or fictitious name or giving a false or fictitious address in any application or form required

under the provisions of this act or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any application

3 Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used

4 Conviction of an operator of a motor vehicle involved in an accident resulting in injury or death to any person or damage to property upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident

(b) The secretary upon receiving a certified record from the clerk of the court of the conviction of any person upon a charge of operating a motor vehicle while the operator's license or learner's permit of such person is revoked shall immediately extend the period of such first revocation for an additional like period

(c) The secretary upon revoking any operator's license or learner's permit shall require that such license of any operator whose license or permit is so revoked shall immediately be surrendered to and retained by the department

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Aron,	Huffman,	Rankin,	Sones,
Batchelor,	Kahle,	Reed,	Sordoni,
Baumer,	Lanius,	(Dauphin)	Staudenmeier,
Bean,	Law,	Reed,	Thompson,
Bennett,	Mallery,	(Washington)	(Centre)
Ealy,	McCreesh,	Rice,	Thompson,
Frey,	McGinnis,	Roberts,	(Westmoreland)
Graff,	Owlett,	Rodgers,	Trainer,
Harris,	Prince,	Rupp,	Woodward,
Harvey,	Pytko,	Salus,	Ziesenheim,
Howell,			

NAYS—8

Buckman,	Coyne,	Homsher,	Norton,
Clark,	Gelder,	Hunsicker,	Pierson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 165, entitled:

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals revising consolidating and changing the law relating thereto" as amended by providing for the revocation and denial of hunting licenses for certain acts

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. GRAFF. Mr. President, I ask unanimous consent to amend Sec. 1, page 3, line 22, by inserting before the word "laws" the following: "game"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. RANKIN. Mr. President, I ask unanimous consent that Senate Bill No. 212, on third reading, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to ratify and validate payments on such contracts by the school district

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 216 (House Bill No. 284), entitled:

An Act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,
Graff,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 283, entitled:

An Act for the extension of Capitol Park in the City of of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson, (Centre)
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Lanius,	Reed, (Washington)	Trainer,
Coyne,	Law,	Rice,	Woodward,
Ealy,	Mallery,	Roberts,	Ziesenheim,
Frey,	McClure,	Rodgers,	
Gelder,	McCreesh,		
Graff,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 347, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-nine (P. L. 707), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," as amended; providing for credits, first to counties and poor districts when only a portion of the cost and maintenance of insane is collected.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson (Centre)
Cavalcante,	Kahle,	Reed (Dauphin)	Thompson (Westmoreland)
Clark,	Lanius,	Reed (Washington)	Trainer,
Coyne,	Law,	Rice,	Woodward,
Ealy,	Mallery,	Roberts,	Ziesenheim,
Frey,	McClure,	Rodgers,	
Gelder,	McCreesh,		
Graff,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 348, as follows:

An Act to amend the title and to reenact and amend sections one and two of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" further defining the duties of coroners

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" is hereby amended to read as follows

An Act defining the duties of coroners where death is sudden or violent or is of a suspicious nature and character and of police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner but where it appears the cause of death is not surrounded by suspicious circumstances

Section 2 That sections one and two of said act are hereby reenacted and amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be the duty of the coroner [and] or the deputy coroner of any county in this Commonwealth in all cases where [the cause of] death is sudden or violent or is of a suspicious nature and character to cause [an] a careful investigation of the facts concerning said death to be made to ascertain whether the death was due to other than natural causes and to make or cause to be made such an autopsy as the facts of the case may demand [by such official]

Section 2 That in all cases of sudden or violent death where it appears the cause of death is not surrounded by any suspicious circumstances the body of the deceased shall be sent immediately by the police or health authorities if the death shall occur away from the home or residence of the deceased to the same or to such relatives or friends who may claim the body or in absence of any knowledge as to the person his or her home residence relatives or friends the health board or police authorities of any county city borough or township shall take possession of such body and keep the same in such place as may be provided by said authorities for the purpose of remaining for a limited time for identification and any effects found on the body shall be handed over by said police or health authorities to the coroner or deputy coroner who shall be notified of the death and the effects found on the body shall [by that official] be given by the coroner or deputy coroner to those legally entitled to the same Provided That [nothing in this section shall interfere with the right of] the coroner shall have the right to view any such body and to investigate the facts or causes of said death if in his opinion the same is required

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson (Centre)
Cavalcante	Kahle,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Lanius,	Reed, (Washington)	Trainer,
Coyne,	Law,	Rice,	Woodward,
Ealy,	Mallery,	Roberts,	Ziesenheim,
Frey,	McClure,	Rodgers,	
Gelder	McCreesh,		
Graff,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 683 (House Bill No. 1245) on third reading, entitled:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consodilating the law relating thereto", eliminating compensation to owners whose property is destroyed to abate nuisances

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 709, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the establishment of courses of college studies in school districts of the first and second class.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. RANKIN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. PYTKO. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. BATCHELOR. Mr. President, I ask unanimous consent that Senate Bill No. 787 (House Bill No. 638) on third reading, entitled:

An Act to amend clauses (b) and (c) of section seven and section eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" as amended providing an expiration date of licenses defining the qualifications of applicants for licensure and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman conferring powers and duties upon the Department of Public Instruction in connection therewith and eliminating penalties for failure to renew

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 825 (House Bill No. 1064), entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 868 (House Bill No. 1838) on third reading, entitled:

An Act requiring cities of the third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 875, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and mak-

ing an appropriation to carry out the provisions of said act," by changing and abandoning a portion of route No. 35018 in Township of South Abington in Lackawanna County.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante	Kahle,	Reed, (Centre)	
Chapman,	Lanius,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Law,	Reed, (Washington)	Trainer,
Coyne,	Mallery,	Rice,	Woodward,
Ealy,	McClure,	Roberts,	Ziesenhelm,
Frey,	McCreesh,	Rodgers,	
Gelder,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 928 (House Bill No. 1082), as follows:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined [to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaption of lenses for the correction and aid of the vision of human beings] as

The correction of faulty and defective vision without the use of drugs using instead all or any mechanical method or appliance

A person engages in the "practice of optometry" within the meaning of this act who examines or attempts to examine the eyes of any person for the purpose of prescribing glasses or lenses in any form or who holds himself or herself out to the public as being able or legally authorized so to do

Section 2 Sections five and six of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 5 Every person desiring to commence the practice of optometry or if now in practice to continue the practice thereof after January first one thousand nine hundred and eighteen except as herein otherwise provided shall take the examination provided in this act and satisfy the other requirements hereof as here provided Any person who has been engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of this act or for one year in this and for the year preceding it in another State and is of good character shall be entitled to take a limited examination covering the following only

(a) The limitation of the sphere of optometry

(b) The necessary scientific instruments used

(c) The form and power of lenses used

(d) A correct method of measuring presbyopia hypermetropia myopia and astigmatism

(e) The writing of formulae or prescriptions for the adaption of lenses in aid of vision

The board shall also permit the taking of limited examinations by and the license of any person who shall apply therefore before the first day of January one thousand nine hundred and twenty-two who at the time of the passage of the act to which this is an amendment or the time when the limited examinations under said act were held was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was at such time or times otherwise unavoidably absent from this State or was physically handicapped and unable to take such examination Provided however That any such person shall have engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of the act to which this is an amendment or for one year in this Commonwealth and one year in another State and shall be of good character

Any person who at the time of the passage of the act to which this is an amendment was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was otherwise unavoidably absent from this State or was physically handicapped and unable to take the examination and who was actually engaged in the practice of optometry but who had engaged in such practice less than two years and any person over the age of twenty-one years of good moral character who has a preliminary education equivalent to two years of the course of high school and after the first day of January one thousand nine hundred and twenty-five has had a preliminary education equivalent to a four year high schol course whose standard is approved by the Department of Public Instruction which preliminary education shall be ascertained by examination or by acceptable certificate as to credentials for work done in such approved institution and has graduated from a school or college of optometry approved by the Department of Public Instruction as recommended by the State Board of Optometrical Examiners on satisfactory completion of a course in optometry of not less than three years shall be entitled to take a standard examination Such courses shall be not less than thirty-four weeks of attendance in each calendar year with a total of at least one thousand hours of actual classroom laboratory and clinical instruction Such schools of optometry to be approved must have a separate classroom for each class and have separate laboratories adequately equipped with

suitable apparatus for individual instruction in gross anatomy histology chemistry physiology and physiological optics geometrical and physical optics and physics and ophthalmic mechanics The faculty shall consist of a sufficient number of qualified instructors to teach the subjects of the course The clinic shall consist of sufficient space and equipment to take care of a sufficient number of patients to provide at least four hundred clinic hours for each senior student

Said standard examination shall consist of tests in practical theoretical and physiological optics in theoretical and practical optometry and in the anatomy and physiology of the eye and in pathology as applied to optometry Provided That any person not less than twenty-one years of age who is actually engaged in the practice of optometry at the time of the passage of this act shall be entitled to take the standard examination merely upon proof to the board that he is of good moral character and is not addicted to the intemperate use of alcohol or narcotic drugs

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee In case of failure at any limited examinatioon the applicant shall have the privilege of continuing the practice of optometry and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optometry in this Commonwealth Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office or place of business wherein said person shall practice optometry together with the photograph of said person attached to the lower right hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board Peddling from door to door practicing under any other name but that of a holder of a certificate of licensure or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office or place of business is specifically forbidden under penalty of revocation of certificate by the board except that optometrical service may be rendered in their home to patients who are physically unable to visit the certificate holders' offices Certificate holders may however establish a branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination [and is in charge of a regular licensed optometrist] Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board Each person to whom a certificate has been issued by said board shall before practicing under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 3 Section nine of said act as amended by the act approved the twentieth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws twenty-six) is hereby further amended to read as follows

Section 9 The State Board of Optometrical [Education Examination and Licensure] Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit practicing under any other name but that of a holder of a certificate of licensure or the peddling from house to house or person to person or the establishment of temporary offices or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical business in which untruthful statements are made [or the failure to deliver the certificates provided for in section six of this act] or false or fraudulent or deceptive or misleading advertising or what is commonly known as "bait" advertising or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

Section 4 Sections eleven and twelve of said act as amended by said act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 11 [Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthalmologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or the treatment or diagnosis of diseases of or injuries to the human eye or the right to use drugs or medicines in any form for the treatment or examination of the human eye] Nothing in this act shall be construed as conferring on the holder any title or word indicating that he is engaged in any other practice other than that of optometry The title "Doctor" or the abbreviation "Dr" shall not be used before the name of any registered optometrist without the word "optometrist" following the name immediately following and in conjunction therewith

Section 12 The provisions of this act shall not apply [to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery]

(a) To physicians practicing medicine under the medical act of one thousand nine hundred and eleven and its amendments

(b) To persons selling spectacles and eye-glasses but who do not assume directly or indirectly to adapt them to the eye nor neither practice or profess to practice optometry

Section 5 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been enacted

had such unconstitutional provision not been included therein

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. ARON. Mr. President, to conform to the wishes of the Senater from York, Mr. Lanius, I ask unanimous consent to

Amend Page 10, Section 12, line 28 by striking out the bracket before the word "to" and also striking out bracket after the word "authority"; also page 11, Section 12, line 1 by striking out the bracket before the word "of"; also page 11, Section 12, line 2 by striking out the bracket after the word "surgery"; also page 11, Section 12, by striking out all of the words in lines 3 to 12 inclusive.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceded to the third reading and consideration of Senate Bill No. 947, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts alone or jointly with other school districts, to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies and to fix fees therefor.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. RANKIN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. FRY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 957, on third reading, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class providing for the organization of a board for superintending and managing the drawing and selecting of jurors and prescribing its powers and duties conferring powers and imposing duties and liabilities on the sheriff imposing duties on registration commissioners and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 967 (House Bill No. 1698), entitled:

An Act to amend sections three five seven eight ten twelve and thirteen of and to add section fifteen A to the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harris,	Owlett,	Rupp,
Batchelor,	Homsher,	Pierson,	Salus,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Norton,		

NAYS—1

Buckman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 974 (House Bill No. 247), entitled:

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 993 (House Bill No 1865), entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer.
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. HUNSICKER. Mr. President, I move that Senate Bill No. 1014, on third reading, entitled:

An Act to amend section two, clause (1) of section three, and sections five, ten and eleven of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subjects to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," by redefining the term "dental hygienist;" providing additional grounds for the revocation or suspension of licenses; limiting the apellations permitted to be used; authorizing the issuance of duplicate certificates and regulating practice thereunder; limiting the scope of practice as a dental hygienist, and increasing the power of the Board as to suspension and reinstatement of licenses.

be recommitted to the Committee on Public Health for the purpose of a hearing.

Mr. PIERSON. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1055, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes.

And the said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1111, entitled:

An Act making an appropriation to the J. C. Blair Memorial Hospital of Huntingdon, Pennsylvania.

And the said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1112, entitled:

An Act making an appropriation to the Mason Hospital Association of Roaring Spring Blair County Pennsylvania.

And the said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1113, entitled:

An Act making an appropriation to the Altoona Hospital of Altoona Pennsylvania.

And the said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1114, entitled:

An Act making an appropriation to the Mercy Hospital of Altoona Pennsylvania.

And the said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1115, entitled:

An Act making an appropriation to the Blair County Children's Home at Williamsburg Pennsylvania.

And the said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,

Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 293, as follows:

An Act making an appropriation to the Curtis Clinic Out-Patient Department of the Jefferson Medical College Hospital of Philadelphia Pennsylvania for maintenance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty-eight thousand dollars ($48,000) or so much thereof as may be necessary is hereby specifically appropriated to the Curtis Clinic Out-Patient Department of the Jefferson Medical College Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 294, as follows:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred and fifty thousand dollars ($250,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 295, as follows:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred thousand dollars ($200,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred and thirty-five for the support and promotion of medical education

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 491, as follows:

An Act making an appropriation to the Saint John's General Hospital of Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Saint John's General Hospital of Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 492, as follows:

An Act making an appropriation to the Presbyterian Hospital of Pittsburgh, Pennsylvania.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of thhe same That the sum of one hundred and twenty-five thousand dollars ($125,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Presbyterian Hospital of Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate

of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 734, as follows:

An Act making an appropriation to the Allegheny General Hospital Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred twenty-five thousand dollars ($225,000.00) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Allegheny General Hospital Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 809, as follows:

An Act making an appropriation to the Children's Home Society of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Children's Home Society of Pennsylvania Incorporated located at four hundred sixty-seven South Aiken Avenue in the city of Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance and the prosecution of its work to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 860 (House Bill No. 1594), as follows:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five and for deficiencies to the legislative department for the legislative session of one thousand nine hundred and thirty-five

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following sums or as much thereof as may be necessary for deficiencies in certain appropriations made to the Executive Legislative and Judicial Departments by the act to which this is a supplement be and the same are hereby specifically appropriated to the several departments hereinafter named

LEGISLATIVE DEPARTMENT

Treasury Department

For the payment of the deficiency in the appropriation for interest on bonds issued under the Act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eleven) the sum of two hundred thirty-four thousand three hundred seventy-five dollars ($234,375)

Department of Forests and Waters

For the payment of the deficiency in the appropriation for expenses incurred for the extinction and control of forest fires the sum of sixty thousand dollars ($60,000)

Department of Internal Affairs

For the payment of the deficiency in the appropriation for the salaries wages or other compensation of employes postage traveling general and incidental expenses of the Bureau of Standard Weights and Measures of the Department of Internal Affairs the sum of five thousand five hundred dollars ($5,500)

Department of Property and Supplies

For the payment of the deficiency in the appropriation for the payment of premiums on surety bonds for such officers and employes of the General Assembly and the several administrative departments boards and commissions of the State government as may be required by statute or otherwise to furnish them for the faithful performance of their official duties or to account for State funds in their possession for the payment of a premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned by the Commonwealth and purchased from moneys of the General Fund except motor vehicles permanently assigned to departmental administrative boards having control of State institutions which policy or policies shall protect both the Commonwealth and State officers or employes operating said motor vehicles against claims for damages for injury to person or property and for the payment of a premium or premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of its several departments boards and commissions except employes or dependents of deceased employes of departmental administrative boards having control of State institutions the sum of one hundred

thirty-nine thousand dollars ($139,000) Provided That no part of this appropriation shall be available for expenditure to cover employes of the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the Board of Fish Commissioners the Board of Game Commissioners and the State Workmen's Insurance Board

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of the costs of all printing incident to the sessions of General Assembly including the printing of the Pamphlet Laws and for the payment of costs of printing the Pennsylvania State Manual the sum of two hundred thousand dollars ($200,000)

Department of Public Instruction

For the payment of the deficiency in the appropriation for the payment of salaries of County Superintendents of public schools as required by law the sum of forty-four thousand one hundred fifty dollars ($44,150)

For the payment of the deficiency in the appropriation for the payment of salaries of Assistant County Superintendents of public schools as required by law the sum of forty-six thousand eight hundred fifty dollars ($46,850)

For the payment of the deficiency in the appropriation for the reimbursement to school districts for transportation of school children as required by law the sum of three hundred eighty thousand dollars ($380,000)

For the payment of the deficiency in the appropriation for aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics and other vocational and practical education for the salaries and expenses of and the payment to the Department of Property and Supplies of mileage charges for the use of automobiles by traveling vocational education supervisors as provided by law for two years the sum of two hundred five thousand dollars ($205,000)

For the payment of the deficiency in the appropriation for reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of four million three hundred and six thousand dollars ($4,306,000)

Department of Revenue

For the payment of the deficiency in the appropriation for the payment of the mileage of appraisers of mercantile and other license taxes the sum of fifteen thousand dollars ($15,000)

Department of Welfare

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to Department or Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishing and livestock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of State-owned Welfare Institutions hereinafter specified in the amounts hereinafter indicated

Torrance State Hospital at Torrance $68,000

Eastern State Penitentiary at Philadelphia and at Graterford $150.000

JUDICIAL DEPARTMENT

Superior Court

For the payment of the deficiency in the appropriation for the payment of the salaries and expenses of the crier and necessary tipstaves of the Superior Court the sum of three hundred dollars ($300)

Common Pleas Courts

For the payment of the deficiency in the appropriation for the salaries of the judges of the courts of common pleas learned in the law in the several judicial districts the sum of twelve thousand dollars ($12,000)

For the payment of the deficiency in the appropriation for the compensation carfare and expenses of judges for holding court outside of their own judicial districts in accordance with law the sum of twenty-six thousand dollars ($26,000)

LEGISLATIVE DEPARTMENT

To the Senate

For deficiencies in the appropriation to the Senate for the payment of postage on the legislative journal bills and calendars for mileage of senators for salaries and mileage of officers and employes and incidental expenses of the Senate and for labor postage express charges and incidental expenses in the office of the Secretary of the Senate and in the office of the Librarian of the Senate the sum of twenty-six thousand four hundred forty-six dollars and sixty cents ($26,446.60) or so much thereof as may be necessary to be available for expenditure for the legislative session of one thousand nine hundred and thirty-five including any period after June first one thousand nine hundred and thirty-five

To the House of Representatives

For deficiencies in the appropriation to the House of Representatives for the payment of salaries and mileage of members officers and employes of the House and for payment for labor salaries wages postage express charges and incidental expenses in the office of the Chief Clerk of the House of Representatives and of the House of Representatives the sum of twenty-one thousand dollars ($21,000) or so much thereof as may be necessary to be available for expenditure for the legislative session of one thousand nine hundred and thirty-five including any period after June first one thousand nine hundred and thirty-five

To the Legislative Reference Bureau

For deficiencies in the appropriation to the Legislative Reference Bureau for the payment of the compensation of bill-book clerks stenographers emergency help and postage the sum of five hundred dollars ($500) or so much thereof as may be necessary to be available for expenditure for the legislative session of one thousand nine hundred and thirty-five including any period after June first one thousand nine hundred and thirty-five

Section 2 This act shall take effect upon the date of its approval by the Governor

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 150 (House Bill No. 147), on first reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. REED (Dauphin). Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 868 (House Bill No. 1838), entitled:

An Act requiring cities of the third class to allow members of the police department twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 868 (House Bill No. 1838), entitled:

An Act requiring cities of the third class to allow members of the police department twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to amend title, page 1, line 1 by inserting before the word "third" the following: "second and". Amend sec. 1, page 1, line 4 by inserting before the word "third" the following: "second and".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1156

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered, and agreed to:

In the House of Representatives, April 30, 1935.

Resolved (if the Senate concur), That House Bill No. 1156, entitled:

An Act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees and providing for the payment of certain dues, fees, assessments, fines and appropriations thereto; regulating membership therein; creating a Board for the management thereof; providing the amount, mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 88

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered, and agreed to:

In the House of Representatives, April 30, 1935.

Resolved (if the Senate concur), That House Bill No. 88, entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGE

SENATE BILL NO. 29 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 29, entitled:

A joint resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

Abolishing the county of Philadelphia as a municipal corporation separate and distinct from the city of Philadelphia.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. WOODWARD. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bills.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 1 page 1 by inserting at the beginning of line 3 the following "the following amendment to the Constitution of the Com."

Mr. WOODWARD. Mr. President, this amendment is simply a restoration of one line of the text, that was omitted by the printer. I therefore ask for concurrence in the amendment.

And the question recurring,

Will the Senate agree to the amendment?

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEE

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Appropriations reported as committed, Senate Bill No. 112, entitled:

An Act relating to the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof, to cities, incorporated towns, borough and townships; prescribing the time, manner, basis and purposes for and upon which said money shall be allocated and reallocated and paid, specifying the uses for which said moneys may be expended and imposing powers and duties upon the Department of Highways, the Auditor General, State Treasurer and on cities, boroughs, towns and townships and officers thereof and providing penalties.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on State Government reported as committed, Senate Bill No. 861 (House Bill No. 1645), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land.

Mr. ROBERTS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ROBERTS from the Committee on Banking re-reported as committed, Senate Bill No. 252 (House Bill No. 9), entitled:

An act to promote the objects of the National Housing Act by authorizing building and loan associations, banks, bank and trust companies, savings banks, trust companies, insurance companies, associations and exchanges, to make loans pursuant to titles one and two of the National Housing Act and by authorizing executors, administrators, guardians, trustees, buliding and loan associations, banks, bank and trust companies, savings banks, trust companies, insurance companies, associations, and exchanges to invest in mortgages insured and in debentures issued by the Federal Housing Administrator by authorizing building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to invest in securities of national mortgage associations and providing for the use of such bonds debentures and other securities as collateral or deposit security.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 112, entitled:

An Act relating to the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof, to cities, incorporated towns, boroughs and townships; prescribing the time, manner, basis and purposes for and upon which such said money shall be allocated and reallocated and paid, specifying the uses for which said moneys may be expended and imposing powers and duties upon the Department of Highways, the Auditor General, State Treasurer and on cities, boroughs, towns and townships and officers thereof and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 406 (House Bill No. 817), entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard," by including service in United States Navy or Marine Corps in preferred classifications.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 407 (House Bill No. 851), entitled:

An Act to amend paragraphs one and two of section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 681), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard; imposing duties upon the Department of Military Affairs," altering qualification requirements for the award of such medals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 426 (House Bill No. 819), entitled:

An Act to amend sections five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to

repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensation for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonizing the act with Federal law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 511 (House Bill No. 965), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 614, entitled:

An Act to add section four hundred and forty-nine to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the third class to appropriate money to county poor districts for hospital purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 675 (House Bill No. 826), entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and thirty-three (P. L. 804) entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard" making such continuity of service effective for qualification for service medals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 812 (House Bill No. 694), entitled:

An Act to amend section two of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within this Commonwealth of Pennsylvanai and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended providing for the service of process upon the Secretary of Revenue by registered mail.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 848, entitled:

An Act to provide for sexual sterilization of mental defectives providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 861 (House Bill No. 1645), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 864 (House Bill No. 1776), entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1017, entitled:

An Act relating to the Pennsylvania State Park at Erie; authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants, and to

acquire by purchase or eminent domain private property rights or interests, in respect to any lands within said park.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1039, entitled:

An Act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones and flags; and for the compilation of war records.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1052 (House Bill No. 1521), entitled:

An Act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:50 P. M. until Wednesday, May 1, 1935, at 11 o'clock A. M.

HOUSE OF REPRESENTATIVES

TUESDAY, April 30, 1935.

The House met at 11.00 A. M.
The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend B. Clinton Ritz, pastor of the Lutheran Church, Waynesboro, offered the following prayer:

Most Holy and Everblessed God and Father of us all, we thank Thee very sincerely for this great Commonwealth, so rich in natural resources, fertile fields and scenic beauth. We thank Thee for its institutions of mercy, our churches and schools, and all other institutions and agencies that tend to build up that which is noble within us, and make our people comfortable and happy. We offer to Thee too the true gratitude of our hearts for those unselfish leaders who loved their state more than themselves, and for a devoted citizenry who were and are willing, if need be, to die for their native land. We thank Thee for the glorious history of our state of which we may justly be proud.

And now, Father, we pray that Thou wilt grant abundant wisdom and understanding to these Thy servants who are face to face with problems of tremendous importance and extremely difficult to solve. We realize that the wisdom of men alone is not sufficient for these perilous times. Wilt Thou then give them that wisdom which cometh down from above, and help them to realize that the fear of the Lord is the beginning of wisdom. We beseech Thee guide and direct these Thy servants in all they do here that all things may work together for the good of all the people. Inspire them with an unselfish devotion to our Commonwealth and its citizens that they may serve so faithfully, so nobly, and so wisely that they may be workmen who never need to be ashamed. Give them courage to resist all who would tempt them to depart from the path of honor and duty, and to do faithfully all that Thou shalt show them to be wise and just and good. May they ever have a keen sense of accountability to their God and their fellow-citizens whom they serve.

Wilt Thou, O Father, so move in the hearts and minds of our citizenry, that they too may be unselfish and truly patriotic; not seeking personal advantage, but every one willing to bear his full share of the common burden. Take away the selfishness that engenders strife, injustice and factionalism, and grant that the spirit of Christian brotherhood may prevail everywhere, and that there may be unity, solidarity, and happiness for all. So lead them, we pray Thee, by Thy Spirit, that they may properly support these their representatives upon whom they have placed grave responsibilities, and grant that they may in the fullest sense be good citizens of their state and nation. Remember we beseech Thee, our President, our Governor, and all in positions of responsibility and leadership, and bless them according to their needs. All this we ask in Jesus' name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BARNHARDT the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 1037. (HOUSE BILL No. 2783).

An Act making an appropriation for the purpose of reimbursing county treasuries for moneys refunded or to be refunded to owners of liquor licenses in accordance with the provisions of the act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws one thousand fifty-two) entitled "An act providing for the refunding of retail liquor license fees and additional taxes to holders of licenses to sell vinous spirituous malt or brewed liquors or any admisture thereof or intoxicating liquor where the act of Assembly under the authority of which such licenses were granted has been repealed by the General Assembly of one thousand nine hundred and twenty-three prior to the expiration of the license year for which such licenses were issued providing for the payment of such refund in certain cases by the county in which such license was granted and the repayment to such county by the city borough township and State of their respective shares of such refund and for the payment of such refund in certain cases by the State alone providing the procedure in such cases and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 144. (HOUSE BILL No. 2784).

An Act prescribing the method of making application for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 179. (HOUSE BILL No. 2785).

An Act to amend clause (a) section two of an act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388), entitled, "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever, by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devices or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non composmentis have removed out of the State have died refused to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" as amended by an act approved the second day of May one thousand nine hundred and nineteen (P. L. 111) extending the provisions of said act to cases where real estate is held by the surviving tenant of an estate by entireties whose spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

Referred to the Committee on Judiciary General.

SENATE BILL No. 300. (HOUSE BILL No. 2786).

An Act providing that parties furnishing material supplies fixtures or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics' liens therefor.

Referred to the Committee on Judiciary General.

SENATE BILL No. 563. (HOUSE BILL No. 2787).

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation.

Referred to the Committee on Forestry.

SENATE BILL No. 610. (HOUSE BILL No. 2788).

An Act to carry into effect section eleven or article one of the Constitution of the Commonwealth of Pennsylvania by designating the manner the courts and the cases in which suits may be brought against the Commonwealth defining the procedure in such cases and providing for the payment of judgment interest and cost by the Commonwealth.

Referred to the Committee on Judiciary General.

SENATE BILL No. 735. (HOUSE BILL No. 2789).

An Act to amend sections nine and fifteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" reducing the amount required to be paid by the person redeeming lands sold at tax sale.

Referred to the Committee on Counties.

SENATE BILL No. 736. (HOUSE BILL No. 2790).

An Act to amend section four of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 177) entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes and for other purposes' " by reducing the amount required to be paid by the person redeeming unseated lands sold at tax sale.

Referred to the Committee on Counties.

SENATE BILL No. 737. (HOUSE BILL No. 2791).

An Act to amend section one of the act approved the third day of April one thousand eight hundred and sixty-two (P. L. 228) entitled "An act supplementary to the several acts of this Commonwealth for the sale of Unseated Lands" by reducing the amount required to be paid by the person redeeming such lands under certain circumstances.

Referred to the Committee on Counties.

SENATE BILL No. 738. (HOUSE BILL No. 2792).

An Act to amend section three of the act approved the ninth day of March one thousand eight hundred and forty-seven (P. L. 279) entitled "An act supplementary to acts relating to recording of deeds" by reducing the amount required to be paid by joint tenants in commor or copartners of seated lands in redeeming such lands sold at tax sale.

Referred to the Committee on Counties.

SENATE BILL No. 876. (HOUSE BILL No. 2793).

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (P. L. 9) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period.

Referred to the Committee on Banking.

SENATE BILL No. 888. (HOUSE BILL No. 2794).

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus anad all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every state depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits.

Referred to the Committee on State Government.

SENATE BILL No. 890. (HOUSE BILL No. 2795).

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds.

Referred to the Committee on Education.

SENATE BILL No. 953. (HOUSE BILL No. 2796).

An Act to amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended making possible the concurrent sentencing of persons convicted of more than one offense in certain cases.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1003. (HOUSE BILL No. 2797).

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy".

Referred to the Committee on Appropriations.

SENATE BILL No. 1008. (HOUSE BILL No. 2798).

An Act making an appropriation to the Pittsburgh Home for Babies Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1009. (HOUSE BILL No. 2799).

An Act making an appropriation to the Children's Hospital of Pittsburgh in the city of Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1010. (HOUSE BILL No. 2800).

An Act making an appropriation to the Coleman Industrial Home for Colored Boys of one thousand seven hundred and twenty-one Bedford Avenue Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1011. (HOUSE BILL No. 2801).

An Act making an appropriation to the Passavant Hospital of Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1012. (HOUSE BILL No. 2802).

An Act making an appropriation to the Pittsburgh Hospital Association Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1013. (HOUSE BILL No. 2803).

An Act making an appropriation to the Pennsylvania Association for the Blind Incorporated at Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1015. (HOUSE BILL No. 2804).

An Act to amend sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (P. L. 7) entitled "An act to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to or from each" by requiring a majority vote in each city and in the intervening land voting on the question of consolidation.

Referred to the Committee on Cities.

RESOLUTION INTRODUCED AND REFERRED

By Mr. CANNON. RESOLUTION No. 139.

In the House of Representatives, April 29, 1935.

Whereas, In Philadelphia choas exists in the disbursing and distribution of direct relief and work relief; and

Whereas, Grants or allotments or appropriations are very much sought from this Commonwealth; and be it

Resolved, That a complete investigation be made by five members of this House, appointed by the Speaker of this House; and therefore be it further

Resolved, That this committee be granted power to constitute the authority for conducting hearings regarding all sources of relief, aid and assistance in the city of Philadelphia; and be it further

Resolved, That each member of the committee shall constitute the authority whose power it be to conduct hearings to obtain any evidence they seek regarding direct relief, work relief, aid or assistance in the city of Philadelphia; and be it further

Resolved, That each member of the committee shall have the power to administer oaths or affirmations to witness appearing before it any person who shall willfully neglect to appear and testify before said committee or refuse to produce any books, papers, records or documents shall be subject to the laws provided by this Commonwealth; and be it further

Resolved, That an item of expense be inserted in the general appropriations to pay the expense of said committee and any clerk and stenographic help or material used to make a complete investigation.

Referred to the Committee on Judiciary Special.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 6, at nine o'clock, Eastern Standard Time; and that when the House of Representatives adjourns this week it reconvene Monday evening, May 6, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 631, Printer's No. 259, entitled "An act to amend sections five and six of the act approved the twenty fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five), entitled 'An act for the encouragement of agriculture and the holding of agricultural associations and regulating the payment thereof' changing the time for filing application for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit theretofore prescribed by the act," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 29, 935.

Resolved (if the Senate concur), That House Bill No. 1143, Printer's No. 500, entitled "An act to amend section one of the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 89, 1933-34) entitled 'An act appropriating the moneys in the State Stores Fund' making appropriations for the payment of refunds", be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitld as follows:

HOUSE BILL No. 775.

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading considered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitld as follows:

HOUSE BILL No. 195.

An Act to further amend section seven hundred four of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the use of dogs in hunting bear or the chasing of bear by dogs

HOUSE BILL No. 852.

An Act to amend section ninety-eight of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the purchase sale and exposing for sale of certain pike and fillets thereof

HOUSE BILL No. 885.

An Act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" by requiring three days to elapse between the application for and the issuance of the license.

HOUSE BILL No. 1093.

An Act to amend section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added changing the licensure year for motor boats.

HOUSE BILL No. 1236.

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing certain exemptions from the payment of fees provided for therein.

HOUSE BILL No. 1383.

An Act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278)) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

HOUSE BILL No. 1153.

An Act to further amend section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

HOUSE BILL No. 1807.

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring county treasuerrs to make monthly reports to the Department of Revenue of hunter's licenses granted.

HOUSE BILL No. 1476.

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day.

HOUSE BILL No. 1699.

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor.

HOUSE BILL No. 1806.

An Act to further amend section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued.

HOUSE BILL No. 1885.

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

With the information that the Senate has passed the same without amendment.

LEAVE OF ABSENCE

Mr. STOCKHAM asked and obtained leave of absence for himself for the balance of the week.

RESOLUTION

RECALLING HOUSE BILL NO. 88 FROM THE GOVERNOR.

Mr. HART offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 30, 1935.

Resolved (if the Senate concur), that House Bill No. 88, Printer's No. 736, entitled "An act providing for the organization and equipment under certain conditions of two colored battalions of infantry and making an appropriation therefor", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. SIMON, from the Committee on Highways, reported as committed, House Bill No. 2489, entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a

portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act.

Mr. SIMON, from the Committee on Ways and Means, reported as committed, House Bill No. 2569, entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations, approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection and payment of the State tax on the stock of title insurance and trust companies; and by changing the manner of determining the value of the shares of stock of title insurance and trust companies.

Mr. RUTH, from the Committee on Highways, reported as committed, House Bill No. 2062, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance, construction, and reconstruction of township streets, roads and bridges, during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven; requiring townships to reduce their tax rates for road and street purposes for said years; and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act.

Mr. KINNEY, from the Committee on Ways and Means, reported as committed, House Bill No. 2635, entitled:

An Act to further amend section one of the act approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by changing the method of determining the value of the shares of stock of banks and savings institutions.

Mr. KINNEY, from the Committee on Ways and Means, reported as committed, House Bill No. 2663, entitled:

An act to amend section four hundred and three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies. Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by requiring insurance companies of another State or a foreign country to file with the Department of Revenue a list of its policy-holders resident in this Commonwealth.

Mr. KINNEY, from the Committee on Ways and Means, reported as committed, House Bill No. 2664, entitled:

An Act to amend section one of the act approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws seven hundred and twenty-three), entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth; providing the method of collection of such tax, and imposing penalties," by extending the act to include the payment of premiums to foreign insurance companies ceasing to be registered with the Commonwealth.

Mr. SCHWAB, from the Committee on Ways and Means, reported as committed, House Bill No. 2515, entitled:

An Act to amend the title and to amend sections three, four, six, seven, eight, nine, eleven and fifteen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain cost on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by including notice in the title that certain duties are imposed upon certain persons transporting liquid fuel; revising certain penalties; imposing filing fees on distributors; eliminating certain discounts; changing date for reports and payment; further clarifying and defining the procedure under the act; and imposing certain duties on persons transporting liquid fuel.

Mr. SCHWAB, from the Committee on Ways and Means, reported as amended, House Bill No. 2516, entitled:

An Act requiring a license for the maintenance or operation of any pump, apparatus or appliance used for the purpose of raising, withdrawing or removing liquid fuels from any place of storage; and imposing penalties.

Mr. SCHWAB, from the Committee on Ways and Means, reported as committed, House Bill No. 2660, entitled:

An Act to further amend the titles and subsection (e) and of section one and sections thirteen, fifteen and thirty-nine of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, as amended, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," by including notice in the title that said act defines as transfers and taxes the right of survivorship in property as to which such right exists; further defining the liability of such right of survivorship to taxation; extending the Commonwealth's lien; imposing certain duties upon safe deposit companies, trust companies, banks, persons, or corporations, who or which lease safe deposit boxes; and imposing penalties.

Mr. EROE, from the Committee on Highways, reported as committed, House Bill No. 2525, entitled:

An Act to further amend sections one hundred two, five hundred eleven, five hundred twelve and six hundred ten of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the power of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, the cities, boroughs, incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle; imposing cancellation fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight.

Mr. COAKLEY, from the Committee on Highways, reported as committed, House Bill No. 700, entitled:

An Act to amend section one of the act approved the twenty-first day of April, one thousand eight hundred and forty-six (P. L. 416), entitled "A supplement to the act, 'An Act relating to roads, highways and bridges,' " providing for the vacation of certain roads used and maintained as public roads where the records fail to show how such roads were created or became public roads.

Mr. HOOPES, from the Committee on Judiciary General, reported as committed, House Bill No. 894, entitled:

An Act to amend section fifteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings of divorce and the annulment of bigamous marriages; and amending, revising and consolidating the law relating thereto," further regulating the jurisdiction of the courts in divorce actions.

Mr. ROOT, from the Committee on Ways and Means, reported as committed, House Bill No. 2167, entitled:

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every persion, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes.

Mr. PETERS, from the Committee on Ways and Means, reported as committed, House Bill No. 2661, entitled:

An Act to amend the act approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," as amended, by imposing the tax upon manufacturers selling goods, wares and merchandise from the place of manufacture and upon certain venders or dealers heretofore exempt; clarifying the provisions relating to appeals; and repealing inconsistent acts.

Mr. MASON, from the Committee on Judiciary General, reported as committed House Bill No. 1903, entitled:

An Act providing for the assessment of costs and expenses of owners and tenants of property which it has been proposed to condemn under the right of eminent domain when the proposed condemnation has been rescinded or abandoned.

Mr. MASON, from the Committee on Judiciary General, reported as committed, House Bill No. 2336, entitled:

An Act relating to the admissibility in evidence of the sale price of property in the vicinity of land taken in eminent domain proceedings under certain conditions and regulating procedure for ascertaining these conditions.

Mr. WICKERSHAM, from the Committee on Cities reported as committed, House Bill No. 2481, entitled:

An Act to amend the act approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws, nine hundred thirty-two), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by removing the limitation on the power to tax for the payment of the principal and interest on bonded indebtedness and other loans, and be providing for the issuance of negotiable bonds to finance improvements, all or part of the cost of which may be assessed against abutting or benefited properties.

Mr. WOODSIDE, from the Committee on Judiciary General, reported as committed, House Bill No. 685, entitled:

An Act to amend the title and to reenact sub-section (b), as amended, of section thirty-five of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widows and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators

therein and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also generally dealing with the jurisdiction, powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued.

Mr. BLUMBERG, from the Committee on Judiciary General, reported as amended, House Bill No. 2067, entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties."

Mr. DUFFORT, from the Committee on Cities, reported as committed, House Bill No. 2263 (Senate Bill No. 783), entitled:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits.

Mr BURKE, from the Committee on Cities, reported as committed, House Bill No. 2428 (Senate Bill No. 616), entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class.

BILL ON FIRST READING

Mr. BURKE asked and obtained unanimous consent to have House Bill No. 2428, Senate Bill No. 616, read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2428 (Senate Bill No. 616), entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in cities of the first class and on certain schol taxes in school districts of the first class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1869, entitled:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements defining the powers and duties of the Department of Highways and the Water and Power Resources Board; authorizing political subdivisions persons copartnerships associations corporations and the Board of Fish Commissioners to contribute to the cost of the construction maintenance and repair of any such dam providing for acceptance by agencies of the Commonwealth of gifts and lease of lands and making appropriations from the Motor License Fund and the Fish Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1868, entitled:

An Act to amend section nine hundred and five of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothontaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1612, entitled:

Relating to the defense of alibi in criminal presecutions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 370, entitled:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 201 Subjects of Taxation Enumerated The following subjects and property shall as hereinafter provided be valued and assessed and subject to taxation for all county city borough town township school and poor purposes at the annual rate

(a) All real estate to wit Houses lands lots of ground and ground rents mills and manufactories of all kinds furnaces forges bloomeries distilleries sugar houses malt houses breweries tan yards fisheries and ferries wharves and all real estate owned or possessed by any public service companies except the superstructure of the roads of railroads and street railway companies and the lands upon which same are located and except the lines and pipes of companies used for the transmission of electric power oil natural and artificial gas and the lands upon which the same are located and all other real estate not exempt by law from taxation

(b) All salaries and emoluments of office all offices and posts of profit professions trades and occupations except and occupation of farmer and all persons over the age of twenty-one years who do not follow any occupation or calling as well of unnaturalized foreign-born persons who shall have resided within this Commonwealth for one whole year as of citizens of this Commonwealth Provided That whenever a person other than a Federal employe not taxable under the provision of this clause is disfranchised from voting because he cannot be lawfully assessed for a county or State tax it shall be lawful for the county commissioners to assess the occupation of such persons for county taxation purposes in the manner provided by this act for such assessments The provisions of this clause shall not apply to counties of the second and third class or to cities of the second and second A class or to school districts

(c) All other things and persons now taxable by the laws of this Commonwealth for county city and school purposes

On the question,

Will the House agree to the section?

BILLS RECOMMITTED

Mr. ANDREWS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a hearing.

On the question,

Will the House agree to the motion?

Mr. HOLLAND. Mr. Speaker, I object.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2483, as follows:

An Act simplifying the procedure for the construction and financing of public works projects by counties cities towns boroughs townships school districts and poor districts defining such agencies as political subdivisions enabling such political subdivisions to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon political subdivisions

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that

Section 1 Short Title This act may be cited as "The Political Subdivision Emergency Procedure Act of one thousand nine hundred and thirty-five"

Section 2 Definitions The following terms wherever used or referred to in this act shall have the following meaning unless a different meaning appears from the context

(a) The term "municipality shall mean a county city town borough township school district or poor district

(b) The term "governing body" shall mean the county commissioners city or borough council township commissioners or supervisors board of school directors directors of the poor or overseers or guardians of the poor of the political subdivisions as the case may be

(c) The term "law" shall mean any act or statute general special or local of this Commonwealth including without being limited to the charter of any political subdivision

(d) The term "bonds" shall mean bonds interim receipts certificates or other obligations of a political subdivision issued or to be issued by its governing body for the purpose of financing or aiding in the financing of any work undertaking or project for which a loan or grant or both has heretofore been made or may hereafter be made by any Federal agency

(e) The term "Recovery Act" shall mean the National Industrial Recovery Act being the Act of the Congress of the United States of America approved June sixteenth nineteen hundred thirty-three entitled "An act to encourage national industrial recovery to foster fair competition and to provide for the construction of certain useful public works and for other purposes" and any acts amendatory thereof and any acts supplemental thereto and revisions thereof and any further Acts or Joints Resolutions of the Congress of the United States of America to reduce and relieve unemployment or to provide for the Construction of public work for work relief

(f) The term "Federal agency" shall include the United States of America the President of the United States of America the Federal Emergency Administrator of Public Works the Reconstruction Finance corporation and any agency or instrumentality of the United States of America which has heretofore been or hereafter may be designated created or authorized to make loans or grants

(g) The term "public works project" shall mean any work project or undertaking which any political subdivision is authorized or required by law to undertake or any lawful purpose for which any political subdivision is authorized or required by law to make an appropriation

(h) The term "contract" or "agreement" between a Federal agency and a political subdivion shall include contracts and agreements in the customary form and shall also be deemed to include an allotment of funds resolution unilateral promise or commitment by a Federal agency by which it shall undertake to make a loan or grant or both upon the performance of specified conditions or compliance with rules and regulations theretofore or thereafter promulgated prescribed or published by a Federal agency In the case of such an allotment of funds resolution unilateral promise or commitment by a Federal agency the terms conditions and restriction therein set forth and the rules and regulations theretofore or thereafter promulgated prescribed or published shall for the purpose of this act be deemed to constitute covenants of such a contract which shall be performed by the political subdivision if the political subdivision accepts any money from such Federal agency

Section 3 Powers Conferred Every political subdivision shall have power and is hereby authorized

(a) To accept from any Federal agency grants for

or in aid of the construction of any public works project

(b) To make contracts and execute instruments containing such terms provisions and conditions as in the discretion of the governing body of the political subdivision may be necessary proper or advisable for the purpose of obtaining grants or loans or both from any Federal agency pursuant to or by virtue of the Recovery Act to make all other contracts and execute all other instruments necessary proper or advisable in or for the furtherance of any public works project and to carry out and perform the terms and conditions of all such contracts or instruments

(c) To subscribe to and comply with the Recovery Act and any rules and regulations made by any Federal agency with regard to any grants or loans or both from any Federal agency

(d) To perform any acts authorized under this act through or by means of its own officers agents and employes or by contracts with corporations firms or individuals

(e) To award any contract for the construction of any public works project or part thereof upon any day at least fifteen days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the political subdivision

(f) To sell bonds at private sale to any Federal agency without any public advertisement

(g) To issue interim receipts certificates or other temporary obligations in such form and containing such terms conditions and provisions as the governing body of the municipality issuing the same may determine pending the preparation or execution of definitive bonds for the purpose of financing the construction of a public works project

(h) To issue bonds bearing the signatures of officers in office on the date of signing such bonds notwithstanding that before delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be the officers of the political subdivision issuing the same

(i) To include in the cost of a public works project which may be financed by the issuance of bonds (1) Eengineering inspection accounting fiscal and legal expenses (2) the cost of issuance of the bonds engraving printing advertising and other similar expenses (3) any interest costs during the period of construction of such public works project and for six months thereafter on money borrowed or estimated to be borrowed

(j) To exercise any power conferred by this act for the purpose of obtaining grants or loans or both from any Federal agency pursuant to or by virtue of the Recovery Act independently or in conjunction with any other power or powers conferred by this act or heretofore or hereafter conferred by any other law

(k) To do all acts and things necessary or convenient to carry out the powers expressly given in this act

Section 4 Construction of Act The powers conferred by this act shall be in addition and supplemental to and not in substitution for the powers now or hereafter conferred upon any political subdivision by any other law This act is intended to aid in relieving the existing emergency by simplifying the procedure for the construction and financing of public works projects This act is remedial in nature and the powers hereby granted shall be liberally construed Nothing in this act shall be construed to authorize the borrowing of money or the issuance of bonds for any purpose by any political subdivision not authorized to borrow money or to issue bonds for such purpose under any other law heretofore or hereafter enacted nor to dispense with the approval by a state department board officer of commission of a public works project where such approval is necessary under provisions of existing law

Section 5 Act Controlling In so far as the provisions of this act are inconsistent or in conflict with the provisions of any other law the provisions of this act shall be controlling and to the extent of such inconsistency or such conflict this act shall supersede such other law

Section 6 Separability of Provisions If any provision of this act or the application thereof to any person body or circumstances shall be held invalid the remainder of the act and the application of such provision to persons bodies or circumstances other than those as to which it shall have been held invalid shall not be affected thereby

Section 7 Termination of Act Except when performing any contract or agreement theretofore entered into by and between any political subdivision and any Federal agency no political subdivision shall exercise any of the powers conferred by this act after June thirtieth one thousand nine hundred thirty-seven

Section 8 Time of Taking Effect This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1042, as follows:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their incorporation or right to do business within the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no certificate of incorporation of a proposed domestic corporation and no statement and designation of a foreign corporation having for its purpose the formation of an organization of a group or a combination of groups of working men and women or wage-earners having the name of Labor Organized Labor Federation of Labor Brotherhood of Labor Union Labor Union Labor Committee Trade Union Trades Union Union Labor Council Building Trades Council Building Trades Union Allied Printing Trades Council Allied Trades Union Central Labor Body Central Labor Union Federated Trades Council Local Union National Union State Union International Union District Labor Council District Labor Union American Federation of Labor Pennsylvania State Federation of Labor or the component parts thereof or the significant words therein whether the same are used in juxtaposition or with interspace shall be filed or recorded for the purpose of effecting incorporation or of authorizing it to do business in this State unless such certificate of designation shall be accompanied by an indorsement thereon by the Secretary of the Commonwealth that he has held a hearing into the aims and purposes of such organization and has determined that it will not be harmful to the community in which it proposes to operate or to the Commonwealth and that there is a necessiy therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2270, as follows:

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirty) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and materials" conferring additional powers and duties on the Water and Power Resources Board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That section three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirty) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forest and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and matrilas" as amended by the act approved the fth day of May one thousand nine hundred and thirty-one (Pamphlet Laws eighty-four) is hereby further amended to read as follows

Section 3 The department through the board is hereby authorized and directed to cause a dam to be constructed and/or completed across the outlet of Pymatuning Swamp in Crawford County for the purpose of establishing a reservoir and and conserving the water entering said swamp and for the purpose of regulating the flow of water in the Shenango and Beaver Rivers The dam shall be constructed and the reservoir established in accordance with plans and specifications which have been or which shall be prepared by or under the direction of the department and shall be so constructed and established as to conserve said waters in a safe and practical manner and to regulate the flow therefrom so as to maintain throughout the year as regular a flow of water as possible in said rivers The reservoir and land surrounding it acquired by the Commonwealth in connection with the project or portions of such reservoir and and lands may be developed and used for fishing hunting game refuges recreation park or other purposes provided such use or uses will not in the opinion of the Water and Power Resources Board materially interfere with the primary purpose of the reservoir for conserving the water entering Pymatuning Swamp and regulating the flow in the Shenango and Beaver Rivers The Water and Power Resources Board is vested with complete and final authority concerning the use and development of the land and water comprised within the Pymatuning Reservoir project and the maintenance and operation of said project and shall have authority to adopt and establish rules and regulations for the control management protection development and utilization of such land and water

The Water and Power Resources Board shall have authority to fix and collect charges for the permissive use of the land and water by private individuals for any purpose or purposes approved by the board Any moneys so collected by the board shall be paid into the Forests and Waters Fund

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2332, as follows:

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases in which the period of limitation of the warrants of the duplicates of the county State dog poor road city township ward school and borough tax collectors have expired and in case where the power and authority of the said tax collectors have expired or shall expire during the year one thousand nine hundred and thirty-four by virtue of the expiration of their terms of office and said tax collector or collectors have or shall become personally liable for the taxes contained in said duplicates and warrants or any part thereof by reason of the personal payment or otherwise by said tax collector or collectors of the said taxes or any part thereof without having recovered or collected the same from the person or persons against whom they have been levied and assessed or without having recovered or collected the same from the person or persons owning the property against which the said taxse have been assessed and levied the said duplicates and warrants and the power and authority of the said tax collectors in all cases are hereby revived and extended for a period of two years after the passage of this act and the said tax collector or collectors their executors and administrators if they are deceased or either surety or sureties are hereby empowered to proceed and collect said taxes from all such persons who have not paid them residing in said district within which said taxes are assessed as well as from all persons who may remove or have removed from said city ward township or townships or boroughs and have neglected to pay the taxes aforesaid assessed with the like effect as if said warrants had not expired or the term of office of said tax collector had not expired Provided That the provisions of this act shall not apply to warrants issued prior to the year one thousand eight hundred and ninety-four and nothing in this act shall release any bondman or security Provided That this act shall not apply to cities having special laws on this subject Providing also That no collector or the sureties thereof who take advantage of this act shall be permitted to plead the statute of limitations in any action brought to recover the amount of any duplicate or warrant so extended or renewed Provided further That no statute of limitations shall prevent the collection of any tax for which the warrants and powers and authorities of the said tax collectors have been so as aforesaid extended renewed and revived.

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2633, as follows:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by further extending the powers of such cities

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto' which was amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 927) is hereby further amended to read as follows

Section 2601 License Taxes for Revenue Purposes Council may by ordinance levy and collect a license tax for general revenue purposes not exceeding one hundred dollars each annually on all photographers autioneers con-

tractors druggists hawkers peddlers produce or merchandise venders bankers brokers any persons partnerships associations or corporations operating or engaging in the business of making small loans of money in sums of three hundred dollars or less either with or without security finance corporations engaged in buying selling exchanging pledging mortgaging and discounting all bills notes contracts and all kinds of negotiable instruments such as leases on motor vehicles and household furniture Provided however nevertheless That this provision shall not be construed to apply to any banking or savings institution licensed under the laws of the United States and the State of Pennsylvania where deposits of money are received trusts are executed and estates are administered and on all undertakers pawnbrokers trading stamp or premium companies or dealers warehouses or storage house or places merchants of all kinds persons selling or leasing goods upon installments grocers confectioners butchers wholesale meat dealers restaurants billiard parlors bowling alleys billiard tables pool tables and other gaming tables drays hacks carriages omnibuses automobiles motor trucks carts wagons and street railway cars including all other vehicles used in the city for hire or pay all skating rinks operas theatres shows exhibitions circuses menageries and all kinds of public exhibitions for pay except those for religious educational or charitable purposes all number coal coke and fuel oil dealers commission men and all persons who make a business of buying lumber coal coke and fuel oil for sale at wholesale or retail all furniture dealers saddle or harness dealers stationers jewelers livery or automobile or boarding-stable keepers all real estate and insurance agents market house companies and owners of market houses garage companies and owners or other than private garages gasoline and oil stations express companies or agencies and where no other license tax is imposed on telegraph telephone steamboating gas natural gas fuel oil water electric light or power companies or agencies or individual furnishing communication light heat or power by any of the means enumerated and to regulate the collection of the same If any person firm or corporation conducts a business at more than one location in a city the business conducted at each location shall be considered and assessed as a separate and independent business and shall be subject to a license tax Provided That the "business' as used in this clause shall not be construed to mean or include any place of business at which the principal business conducted is that of selling storing or distributing products manufactured by the firm person or corporation operating the business The taxes assessed under this section shall be in addition to all other taxes levied and collected by the city county or Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2006, as follows:

An Act to amend paragraph two of section two thousand four hundred and three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" authorizing the council of such cities to hire certified public accountants to audit the affairs of the city when it deems it necessary

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph two of section two thousand four hundred and three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

2 Hiring of Employes Salaries Occasional Audits by Certified Public Accountant (a) To provide for and regulate the manner of hiring and discharging employes and laborers and the fixing of their salaries or compensation (b) To provide for the hiring of a certified public accountant or accountants for the purpose of making a general audit of the entire affairs of the city or any portion of such affairs when it deems such action advisable or necessary for the interests of the city and to fix the compensation for such accountants

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2637, entitled:

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances

The first second third and fourth sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Health of this Commonwealth shall keep on hand at all times a sufficient and adequate supply of anti-rabic serum

Section 2 Whenever within this Commonwealth any person shall be bitten by or directly exposed to an animal which in the opinion of a licensed and duly qualived veterinarian is afflicted or has the appearance of being afflicted with rabies os is found to have been so afflicted by laboratory examination made in the laboratory of the Department of Agriculture the physician in attendance shall have the right to requisition without formality from the Department of Health sufficient anti-rabic serum for the treatment of such person and the said Department shall with all expediency honor such requisition

Section 3 No charge of any sort shall be made by the Department of Health for such anti-rabic serum if the physician so requisitioning shall within thirty days after the receipt of the serum file with the Department an authenticated statement of a veterinarian or a copy of the laboratory report to the effect that the animal in question was afflicted with or had the appearance of being afflicted with rabies

Section 4 The attendant physician shall file at the same time a bill for all medical services rendered in connection with the treatment of the person so bitten or in contact properly attested by affidavit Upon the approval of such bill by the Secretary of Health it shall be paid by the State Treasurer

The fifth section was read as follows:

Section 5 The sum of
hereby appropriated to carry out the provisions of this act

On the question,

Will the House agree to the section?

Mr. SURFACE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 5, page 2, line 19, by inserting after the word "of" the following: "five thousand dollars ($5,000)."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth section and title were separately read and agreed to as follows:

Section 6 This act shall become effective immediately upon final enactment

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2028, as follows:

An Act requiring the Water and Power Resources Board in granting certain permits to fix and collect annual charges and impose terms and conditions for the protection of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That in any case where by law permits are required to be obtained from the Water and Power Resources Board of the Department of Forests and Waters in which under existing law no express provision exists for the imposition of annual charges the Water and Power Resources Board is hereby required in granting such permits to fix and collect a reasonable annual charge in an amount to be specified by the Board to be paid by the permittee to the Board for the use of the Commonwealth The Board shall also embody in such permits such other terms and conditions and stipulations as it shall deem necessary and proper to protect the present and future interest of the Commonwealth

Section 2 All moneys received by the Treasury Department under the provisions of this act shall be credited to the State Forests and Waters Fund

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2561 (Senate Bill No. 581), entitled:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2433 (Senate Bill No. 520), entitled:

An Act valdiating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2770 (Senate Bill No. 666), entitled:

An Act regulating the motor vehicle junk business requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Comonwealth to restrict such business from certain districts.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HARKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2775 (Senate Bill No. 752), entitled:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2121, as follows:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class providing for the organization of a board for superintending and managing the drawing and selectiin of jurors and prescribing its powers and duties conferring powers and imposing duties and liabilities on the sheriff imposing duties on registration commissions and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the first class the judges of the courts of common pleas with the sheriff shall constitute a board for superintending and managing

the drawing and selecting of jurors to serve in the several courts of the county One member of any one of said courts with the sheriff or his duly authorized deputy shall be a quorum of said board for the transaction of business The board may appoint a secretary whose salary and expenses shall be fixed by the board and paid as other county officers and employes are paid.

Section 2 Prior to the tenth day of November in each year the registration commission in any such county shall lodge with the sheriff for the use of the board a certified list of all the registered electors of such county setting out their names places of residence and occupation.

It shall be the duty of the registrars appointed by the registration commission in each and every election division in the county to ascertain by strict inquiry the proper orthography of the name of each eligible person appearing for registration the exact number of his place of residence together with his present occupation profession or business and to state plainly written all such particulars of such persons within their respective election districts said lists to be compiled in duplicate and filed with the said commissioners on or before the first day of October in every year. No compensation shall be awarded to the said registrars for compiling and filing said lists with the commissioners in addition to that already provided by law for other services.

Section 3 Prior to the first day of December in each year it shall be the duty of the board or a quorum thereof to assemble together and select from said list of registered electors a sufficient number of sober healthy and discreet citizens to constitute the several panels of jurors grand and petit that may be required for service in the several courts for the next ensuing year in due proportion from the several wards of such city and county and from the principal avocations.

Section 4 The names of registered electors so selected with their respective places of residence and occupation shall in the presence of the board be written on separate pieces or slips of paper which shall then and there be placed in a closed wheel to be provided by and kept in the exclusive custody of the sheriff securely locked sealed or otherwise guarded from intrusion A list of the names residences and occupations so selected and placed in the wheel shall be certified by the members of the board then present to the prothonotary to be filed by him for preservation and public inspection One other such list shall be made out and kept in the custody of the secretary of the board.

Section 5 Whenever the board or a quorum thereof shall be of the opinion that it will be necessary to place additional names in the wheel the board or a quorum thereof shall select from the lists of registered electors from which selections were made prior to the preceding first day of December the names of such number of sober healthy and discreet citizens as may in their judgment be necessary to supply all the venires that may be issued during the current year Such names when so selected shall be placed in the wheel and a list of the names residences and occupations of the persons so selected and placed in the wheel shall be certified by the members of the board then present in the manner and as required in the preceding section of this act.

Section 6 No person shall be exempt from serving as a juror in any of the courts of the county unless he shall have filed an affidavit setting forth the ground for such exemption with the clerk of the board prior to the first day of July in the year next preceding that for which he shall claim exemption Any such affidavit when filed shall be submitted to a judge of one of said courts and if it shall set forth good and sufficient grounds for exemption the name of such person shall not be placed in the wheel containing the names of jurors for the next succeeding year.

Section 7 At least three weeks before the commencement of each term of any of the courts the board or a quorum thereof shall assemble and cause to be drawn from the wheel as many of the names therein deposited as may be necessary to serve as grand and petit jurors for and in each of the courts according to the command of the venire or venires directed to the sheriff One list of the names residences and occupations so drawn shall be certified by the board to the proper court with the venire issued therefrom and one other list of said names occupations and residences shall be duly certified to the sheriff

Section 8 It shall be the duty of the sheriff to summon each of the jurors in the manner now practiced to appear in the court for which he may be drawn on a day specified in the summons to serve as a juror during the ensuing term The summons shall be served on each juror at least ten days before the time fixed for his appearance The sheriff shall make return of each service under oath to the proper court stating the time and manner of such service.

Section 9 No person summoned as a juror shall be excused from service except in open court on good cause shown to the satisfaction of the court If any juror so summoned and not excused shall fail to attend the court until duly discharged he shall be fined for the use of the county not less than thirty nor more than two hundred dollars to be recovered by attachment or such other appropriate process as the court may direct.

Section 10 Whenever talesman are required in any of the courts the sheriff shall produce the wheel in open court and in the presence of the judges thereof draw therefrom five names for every talesman required which names so drawn shall be immediately noted on the minutes of the court whereupon a venire shall be issued requiring the sheriff to bring into court any one of the five persons so drawn to serve as a tales juror No tales juror shall be selected or served in any other manner The tickets or slips so drawn from the wheel shall be returned thereto.

Section 11 No citizen whose name has been duly drawn and who has served as juryman for one full term shall be liable to be again drawn and summoned as a juror for the succeeding period of one year.

Section 12 The sheriff shall preserve the wheel secure from all interference by others If the board on any examination the members thereof may institute into the condition of the wheel and its contents shall discover that any names have been surreptitiously introduced or withdrawn therefrom it shall be evidence of misdemeanor committed by the sheriff Thereupon it shall be the duty of any member of the board to bind him over to answer at the next court of quarter sessions for such misdemeanor and on conviction thereof he shall be punished by fine and imprisonment at the discretion of the court The fine shall be not less than two hundred dollars and the imprisonment if any not less than three months in the county jail.

Section 13 Any of the duties enjoined on the sheriff by this act may be performed by his duly appointed deputy under the same penalties herein provided Provided That if such deputy shall be unable to refuse to pay any fine imposed by this act the sheriff shall be liable to pay the same.

Section 14 All acts and parts of acts general local or special inconsistent or supplied hereby are hereby repealed.

Section 15 The provisions of this act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1928, as follows:

An Act providing for the administration of relief to the poor in cities of the first class by the Department of Public Welfare and abolishing existing poor districts therein

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in cities of the first class the administrative system for the purpose of furnishing relief to the poor destitute and paupers within the limits of such cities shall be vested in the Department of Public Welfare and no other poor district agency or agencies shall here-

after exist or be maintained in any such city for the purpose of furnishing relief to the poor and all such poor districts and agencies now existing in any such city are hereby abolished

Section 2 Upon the taking effect of this act the title to all real and personal property books papers records accounts money effects equipment and supplies and all rights of action or rights to collect taxes imposed prior to the effective date of this act now owned by or vested in the various districts by this act abolished are hereby transferred to and vested in such cities of the first class

Section 3 The provisions of this act shall not affect any act done incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any act repealed herein as being inconsistent therewith and all such rights accrued or vested shall be enforceable by the Director of Public Welfare of the cities of the first class as the Directors of Poor succeeding for this purpose the officers or directors of the poor by this act otherwise abolished

Section 4 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act

Section 5 This act repeals all acts and parts of acts general local or special or inconsistent herewith

Section 6 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2468, as follows:

An Act validating ratifying approving and confirming bonds and other instruments or obligations heretofore issued by counties cities boroughs towns townships school districts poor districts and other incorporated districts of this Commonwealth for public works projects

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this Act may be cited as "The one thousand nine hundred thirty-five Validating Act"

Section 2 The following terms wherever used or referred to in this Act shall have the following meaning

(a) The term "public body" means any county authority city borough incorporated town township school district poor district or other incorporated district of this Commonwealth

(b) The term "bonds" includes bonds notes warrants debentures certificate of indebtedness temporary bonds temporary notes interim receipts interim certificates and all instruments or obligations evidencing or representing indebtedness or evidencing or representing the borrowing of money or evidencing or representing a charge lien or encumbrance on specific revenues income or property of a public body including all instruments or obligations payable from a special fund

Section 3 All bonds heretofore issued for the purpose of financing or aiding in the financing of any work undertaking or project by any public body to which any loan or grant has heretofore been made by the United States of America through the Federal Emergency Administrator of Public Works for the purpose of financing or aiding in the financing of such work undertaking or project including all proceedings for the authorization and issuance of such bonds and the sale execution and delivery thereof are hereby validated ratified approved and confirmed notwithstanding any lack or power (other than constitutional) of such public body or the governing board or commission or officers thereof to authorize and issue such bonds or to sell execute or deliver the same and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale execution or delivery and such bonds are and shall be binding legal valid and enforceable obligations of such public body

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2476, as follows:

An Act providing for the incurring or increasing of indebtedness by counties cities boroughs towns townships school districts and poor districts for the purpose of financing public works projects from the proceeds of loans or grants or both from the federal government or any agency thereof prescribing the procedure to be followed in authorizing the issuance of bonds as evidence of such indebtedness and their disposal at public sale or at private sale to the federal government or any agency thereof authorizing counties cities boroughs towns townships school districts and poor districts to accept grants and enter into any contracts required in connection with the acceptance of any loan or grant of both or the construction of any project from the proceeds thereof and providing for the expiration of the power conferred by this Act on the thirtieth day of June one thousand nine hundred and thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be referred to as "The Public Works Act" of one thousand nine hundred and thirty-five

Section 2 Any county city borough town township school district or poor district of this Commonwealth may incur or increase its indebtedness borrow money and issue its negotiable bonds notes or other securities in the manner hereinafter provided to finance all or any part of the cost of any work project or undertaking which it is authorized to estalish construct reconstruct improve extend maintain or operate For the purposes of this act the words "political subdivision" shall be taken to mean any county city borough town township school district and poor district

Section 3 The word "indebtedness" used in this act shall be deemed held and taken to include all debt and all manner of debt as well floating as funded of any political subdivision and the net amount of such indebtedness shall be ascertained by deducting from the gross amount thereof all outstanding solvent debt and all moneys in the treasury applicable within one year to the payment of the same and all revenues applicable within one year to the payment of the same Judgments and municipal liens for unpaid taxes not more than five years old and for assessments for completed local improvements such assessments being due within one year shall be regarded as solvent debts Current taxes and other anticipated revenue due and payable in the fiscal year in which the indebtedness is proposed to be incurred or increased in an amount which in the judgment of the governing body of any political subdivision may be reasonably anticipated to be collected in excess of the estimated expenditures for the fiscal year shall be regarded as revenues applicable within one year to the payment of indebtedness

Section 4 The governing body of any political subdivision may by resolution authorize the incurring or increasing of indebtedness in an amount not exceeding two per centum (2%) of the last preceding assessed valuation of taxable property therein for the purpose of constructing any public works project for which an allotment of funds has been made by the federal government or any agency thereof Such resolution shall state the last preceding assessed valuation of taxable property in such political subdivision the amount of the present indebtedness both

funded and floating and whether it was authorized by a vote of the governing body or by the electors the amount and percentage of the proposed increase the deductions if any claimed in determining that the proposed increase together with all other indebtedness incurred without a vote of the electors does not exceed two per centum (2%) of such assessed valuation and that the entire indebtedness of such political subdivision does not exceed seven per centum (7%) of said assessed valuation

Section 5 The governing body of any political subdivision may by resolution authorize the holding of an election to obtain the consent of the electors thereof to the incurring or increasing of municipal indebtedness in an amount not exceeding seven per centum (7%) of the last preceding assessed valuation of the taxable property therein Such resolution shall prescribe the form of notice which notice shall set forth the purpose or purposes for which it is proposed to incur or increase such indebtedness the last preceding assessed valuation of taxable property in such political subdivision the amount of the present indebtedness both funded and floating the amount and percentage of the proposed increase the deductions if any claimed in determining that the proposed increase together with all other indebtedness of such political subdivision will not exceed seven per centum (7%) of such assessed valuation Such notice shall state the time and place of holding such election and the date on which such election will be held Notice of such election shall be given by two advertisements at least five days apart in at least one newspaper of general circulation published in the county and circulating in such political subdivision the first publication to be at least ten days prior to the date fixed for such election If there be no such newspaper then notice shall be given by posting at least twenty handbills in the most public places in such political subdivisions during at least ten days prior to the date fixed for such election Such election shall be held at the same time and place or places and under the same regulations as provided by law for the holding of municipal elections and it shall be the duty of the officers of such election to conduct such election and to make a return thereof to the clerk of the court of quarter session of the proper county duly certified as is required by law together with a certified copy of the resolution and the advertisement and such clerk shall make a record of the same and furnish a certified copy thereof and of the decree of the court under seal to the corporate authorities of such political subdivision and the same shall be placed on record upon the minutes thereof The corporate authorities of such political subdivision shall in all cases fix the time of holding such election on the day of the next primary municipal or general election unless more than sixty or less than ten days elapse between the date of the resolution desiring such increase and the day of holding the said primary municipal or general election If any other day be fixed for such election the expense of holding the same shall be paid by the political subdivision for the benefit of which it shall be held In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of such election shall be governed by the laws of this Commonwealth regulating municipal elections and the vote shall be counted by the court of quarter sessions in the manner now provided by general laws governing municipal elections and all the penalties of such election laws for the violation thereof are hereby extended to and shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act Provided however That whenever the board of school directors of any independent school district by resolution shall have signified a desire to make such increase of indebtedness and there is no polling place within said independent school district where primary municipal or general elections are held the election necessary to be held for the purpose of securing the assent of the electors of such independent school district to such increase of indebtedness shall be held at a regular polling place within the city borough town or township of which such independent school district is a part most convenient to the electors thereof to be selected by the board of school directors of such independent school district notice of which place shall be set forth in the advertisements and notices required by this act and at said election only such electors as are residents of such independent school district shall be permitted to vote And provided further That whenever the board of school directors of any school district which is not coextensive with a city borough town or township shall have signified by resolution a desire to make such increase of indebtedness the county commissioners of the county or counties within which such district is situated shall furnish the election officials with a list of the qualified electors in such district and only the qualified electors of such district shall be permitted to vote at such election

Section 6 If the return of such election shall show that a majority of the electors voting at the election voted in favor of incurring or increasing the indebtedness the governing body of such political subdivision may by resolution stating the fact that the consent of the electors has been obtained and that a certified copy of the election returns is on file among the records of such political subdivisions authorize the incurring or increasing of such indebtedness If the return of the election shall show that a majority of the electors voted against incurring or increasing indebtedness no increase shall be made nor shall any other election be held for the same purpose or purposes or on the same subject or subjects in that political subdivision for at least fifty-one weeks from the date of such preceding election

Section 7 In the resolution authorizing the incurring or increasing of indebtedness the governing body shall assess and levy a tax the collection of which shall commence with the next fiscal year sufficient to pay the interest on said indebtedness as it comes due and the principal thereof at maturity Such tax shall be in addition to all other taxes which such political subdivision is now or may hereafter be authorized to levy in accordance with existing laws

Section 8 The governing body may in the same resolution or in a subsequent resolution provide that as evidence of such indebtedness the political subdivision may issue and sell bonds notes or other securities and prescribe the form number date maturities not exceeding thirty-years from the date of issue the rate of interest not exceeding five per centum (5%) the registration privileges the redemption privileges if any the place and medium of payment and all other terms and characteristics of such bonds Bonds issued under this act bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof any or all persons whose signatures appear thereon shall have ceased to be the officers of such political subdivision

Section 9 Such bonds notes or other securities may be sold at private sale to the federal government or any agency thereof If not sold to the federal government or its agencies such bonds shall be sold to the highest responsible bidder at a public sale to be held at least ten days after one advertisement in a newspaper of general circulation in the county in which said county municipality or district is located Such bonds shall not be sold for less than par plus accrued interest If the issue of such bonds notes or other securities is greater in amount than fifty thousand dollars similar advertisement shall be made in a newspaper of general circulation published in one of the following cities New York Philadelphia or Pittsburgh

Section 10 Any city town or borough which is otherwise authorized to increase its indebtedness to an amount not exceeding ten per centum (10%) of the last preceding assessed valuation of the taxable property therein with the consent of three fifths of the electors of such city town or borough may conduct the election and authorize the increase of indebtedness under the provisions of this act In any such case the amount to which the indebtedness may be increased shall be ten per centum (10%) instead of seven per centum (7%) and a three fifths majority shall be required instead of a majority All applicable provisions of this act shall be complied with by such city town or borough

Section 11 When any political subdivision authorizes the incurring or increasing of indebtedness in accordance with the provisions of this act the principal officer of such

political subdivision shall prior to the sale of any bonds notes or other securities certify to the Department of Internal Affairs for approval a complete and accurate record of the proceedings had for such incurring or increasing of indebtedness in accordance with existing laws governing such certification

Section 12 The powers conferred by this act shall be in addition and supplemental to the powers conferred by and other law and not in substitution for the powers conferred by any other law Bonds may be issued hereunder for any public works project notwithstanding that any other law may provide for the issuance of bonds for like purposes and without regard to the requirements restrictions or procedural provisions contained in any other law Bonds may be issued under this act notwithstanding any statutory limitations upon the power to issue bonds notes or other securities prescribed by any other law Any proceedings heretofore taken by any political subdivision relating to the subject matter of this act whether or not commenced under any other law may be continued under this act or at the option of the governing body may be discontinued and new proceedings instituted under this act

Section 13 If any provision of this act or the application thereof to any person body or circumstance shall be held invalid the remainder of the act and the application of such provision to persons bodies or circumstances other than those as to which it shall have been held invalid shall not be affected thereby

Section 14 Except when performing any contract or agreement theretofore entered into with any federal agency no political subdivision shall incur or increase its indebtedness pursuant to this act after the thirtieth day of June one thousand nine hundred thirty-seven

Section 15 This act shall take effect immediately upon its final enactment

And said bill having bee read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1665 (Senate Bill No. 29), as follows:

A Joint Resolution proposing an amendment to article fourteen of the constitution of the Commonwealth of Pennsylvania by adding section eight

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article fourteen be amended by adding thereto section eight as follows

Section 8 The County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia is hereby abolished Functions of county government within the city and the functions of the Philadelphia courts shall be performed by officers of the city who shall be appointed or elected as may be provided by law but nothing in this section applies to the manner of selecting judges and magistrates Except as the General Assembly may otherwise provide the tax-levying body of the city shall control all expenditures from the city treasury Laws shall be enacted to provide that all appointments and promotions of officers and employes paid out of the city treasury shall be according to merit and fitness No officer or employe whose compensation or the requirements of whose office are met in whole or in part from the city treasury shall receive for his own use any fees or commissions for any work done in the course of his employment by any public agency and all such fees or commissions received shall be paid into the city treasury for the use of the city No law regulating the affairs of cities or counties shall be held invalid as local or special because of the inclusion of provisions giving effect to this section

Section 2 That no inconvenience may arise from the changes in the Constitution of the Commonwealth and in order to carry the same into complete operation it is hereby declared that

This amendment shall be effective immediately upon its adoption

Immediately upon the adoption of the amendment all county and court officers and employes paid out of the city treasury of Philadelphia shall become officers and employes of the City of Philadelphia and until the General Assembly shall otherwise provide shall continue to perform their duties and be elected appointed compensated and organized in such manner as may be provided by the constitution and laws of the Commonwealth in effect at the time the amendment becomes effective but elected county officers in office when this amendment becomes effective shall be permitted to complete the terms for which they were elected

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Eroe,	Mallen,	Shepard,
Alexander,	Falkenstein,	Mason,	Shortz,
Allen,	Ferko,	McCreary,	Shreiner,
Altenburg,	Finnerty,	McDermott,	Shugarts,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stone,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	Van Allsburg,
Carson,	Hoffner,	Pfaff,	Van Sickle,
Castor,	Holland,	Phillips,	Walker,
Chervenak,	Holstrom,	Piole,	Wall,
Coakley,	Hoopes,	Powers,	Wasserman,
Cochran,	Horst,	Reising,	Weidemann,
Cohen,	Jackson,	Reynolds,	Weiss,
Coleman,	Jones,	Rhys,	Welliver,
Condon,	Kane,	Rinn,	Welsh,
Conner,	Kelder,	Roan,	Westrick,
Coolahan,	Kelso,	Robinson,	White,
Cordier,	Kilroy,	Rooney,	Wickersham,
Davies,	Kinney,	Root,	Wilson,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 104, entitled:

An Act to repeal the act approved the twenty-sixth day of June one thousand nine hundred and nineteen (Pamphlet Laws six hundred thirty-nine) entitled "An act defining sedition and prescribing the punishment therefor" and its amendments

On the question,

Will the House agree to the bill on third reading?

It was agreed to

On the question,

Shall the bill pass finally?

Mr. HOOPES. Mr. Speaker and members of the House, the bill which is now before you for consideration is a bill to repeal the sedition acts of 1919 and its amendments. Under that act sedition is defined in very broad and vague language. As interpreted by the courts, it has been held to include any writing, utterance or conduct which tends to bring the government into hatred or contempt, and mere membership in an organization whose policies or purposes may be construed to come within that provision is prohibited, and any person convicted under this act may be sentenced to a fine of $10,000 and twenty years imprisonment in the penitentiary. That is as serious a punishment, in fact more serious than can be meted out for most of the crimes upon the calendar. The only crimes which are commensurate with this in punishment are murder, kidnapping and treason. I think we all agree that stirring up insurrection against the government by force and violence is something that cannot be tolerated. But in order to stop that it is not necessary to have upon the statute books a measure which prohibits free speech. We have plenty of other laws, both state and Federal, to deal with the crime of stirring up insurrections. Treason, of course, is the most serious of those offenses and is punishable under other statutes or by death. We also have acts forbidding riots, unlawful assemblies and affrays punishable by five thousand dollars fine and two years imprisonment. Inciting to riot is a common law offense in which there are numerous records of convictions in this Commonwealth. Conspiracy is a common law offense consisting of a combination of two or more persons to do an unlawful act, and the courts have held that no overt act is necessary in order to obtain a conviction for the crime of conspiracy. Inciting to treason is another offense. There are numerous ones, both under statutory and common law, for which punishment may be dealt out for those who start insurrections or incite others to do so. It is not necessary in order to protect our government against that sort of thing to have upon our statute books this sedition act which, as interpreted by the courts, has been used to put foolish people who make reckless statements into jail for long terms. Free speech is one of the basic principles of our American government.

Benjamin Franklin, many, many years before the American Revolution made the statement "They that give up essential liberty to obtain a little temporary safety deserves neither liberty nor safety." That quotation was very frequently used during the Revolutionary period, according to all historians. We believe in free speech. Our government was founded upon that principle. We have practiced it at times when our government was nothing like as strong as it is today. We had no statute like this upon our books for over a century after the foundation of our government, and we did not find it necessary to have such a statute. At the time this law was passed in 1919, immediately following the war, there was a general hysteria against Reds throughout the United States, and the Attorney General A. Mitchell Palmer, at that time was conducting a drive against Reds, and as a part of that drive they put laws like this upon the statute books of a number of our states. They have since been used, not to suppress insurrections, not at all, but they have been used against little fellows, against fools, if you please, who went out on the street corners and made statements which the police did not like; statements which some policemen thought would bring the government into contempt. Then those little fellows were yanked into jail, hauled into court, they were tried, but before they were tried some policeman or detective ransacked his home and found some literature on some radical subject, such as can be found in any large public library, such as can be found in the homes of many of us in books which we do not consider at all dangerous. They find literature of that sort; they bring them into court; they take a sentence or two out of the middle of a book or an article, away from its context which seems to incite to insurrection, and then they hold that the possession of that literature tends to incite to insurrection, and those poor fellows have been convicted and sent to jail for four or five years. Furthermore, they do not use it against the big fellows. There is no danger whatever of this act being used against Huey Long or Father Coughlin or any other incipient dictator in the United States. Not at all. They use it against some little fellow who goes out on the street corner and makes a speech which the local policeman does not like. More particularly they will use it if there happens to be a labor dispute at the time and the employer wants to get rid of somebody. When they want to get some little fellow, some labor agitator, somebody who has been causing trouble for the employer in the community by organizing a labor union, they get him on a charge under this act. Perhaps they even go so far as to plant labor spies, as was demonstrated in this room in that moving picture, "Black Fury," which many members of this House saw in this House one evening last week, where spies were planted with the idea of getting the fellow that they want to get to make a statement which can be construed as inciting to insurrection. Perhaps he is half drunk at the time that he made it. Then they haul him into court under this act and sentence him to the penitentiary. It has been used by the employers as a club over labor organized and others.

I submit to the members of the House that under similar circumstances the speeches made by a good many of the majority members of the House in their campaign last fall might well have been construed by hostile judges to bring the government of Pennsylvania into contempt and ridicule. If you keep a statute like this upon the books you are suppressing the political liberties of our people. It is dangerous to do a thing like that. You cannot suppress an insurrection with it. All you are doing is making martyrs of a few fools; that is all. If you look over the list of convictions, there are men whose names are houschold

words in many parts of Pennsylvania, who were never heard of and never would have been heard of had it not been for prosecutions under this unjust and arbitrary act, they would never have been heard of outside of their own little village or hamlet. Today they are considered martyrs to a cause because they were prosecuted under this unjust law. You do not suppress sedition by this act. You merely drive it under ground, and by driving it underground and by depriving it of fresh air, you multiply its effect four-fold. It is far better to keep it out in the open where it can be met by reasonable argument and ridiculed into oblivion. That is the way to meet the things of that sort, not by driving it underground and making martyrs of fools, fools who use language which might be construed to come within the provisions of this act.

My friends, there is an issue involved in this measure which is more important than the mere protection of a few people. It is the principle of free speech itself. We Americans pride ourselves upon the fact that our government maintains the right of free speech for all of our citizens, and particularly we Pennsylvanians hold to that doctrine. The founder of Pennsylvania, William Penn, served time in jail in London because he made a speech on the streets of London which the politicians of that time did not like. He made the speech and went to jail, and incidently they sent the jury that refused to convict him along to jail with him. But the result of his fight and that of many others was that the principle of free speech was established.

Are we going to surrender those rights for which William Penn fought; for which our forefathers bled and died, if you please, in the war of the Revolution. I do not think that we want to do anything of the kind. Sedition acts have been enacted in the United Staes before. If you are familiar with the history of this country, you will remember that in 1798 Congress passed the sedition act and I want to call the particular attention of the majority members of this House to what followed after the enactment of the Sedition act of 1798. That act was placed upon the statute books by the Federalist Congress with the idea of suppressing Thomas Jefferson and his republican movement. Did it succeed? History records that it did the very opposite. A number of the men who were convicted under that act and served time in jail were elected to Congress in the year 1800. Thomas Jefferson was elected President of the United States. Thomas Jefferson, who has come to be the patron saint of the Democratic party in the United States. He said "It is time enough for the rightful benefits of civil government for its officers to interfere when principals break out into overt acts against peace and good order."

He did not believe in suppressing free speech but only when overt acts start then it is time to hold not only the persons who act but those who incited them to act by improper use of speech. Thomas Jefferson went further than that. After that most bitter campaign of 1800, a campaign compared with which our political campaigns of today are very mild affairs indeed, a campaign in which the rival candidates called each other every sort of criminal and charged them with every sort of crime that you could imagine, a campaign in which the Federalists openly preached that if Jefferson was elected, the government would fall. The Federalists hated the Republicans of 1800 just as the members of this House hate a communist today.

He was elected President, and in his inaugural address he said: "If there be any among us who wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

That is the best argument against this sedition act which we propose to repeal. The best way to suppress sedition is to let them come out and preach it and rely upon the common sense of the people to ridicule those who advocate it. That is far better than driving it under ground into the dark cellars and the by-ways where it will smoulder and grow into a flame which may be uncontrollable. Keep it out in the open. Give it plenty of fresh air, and we have nothing whatever to fear from it, but, to my friends on the other side of the House who may feel that the repealing of this act is dangerous, I wish to remind you that the Republican party in its beginning had as one of its cardinal principles that of free speech. The rallying cry of the Republican party in the campaign of 1856 was: "Free soil, free men, free speech, Freemont." I now remind you that if you vote to suppress free speech you are going back on one of the basic principles of your party. Free speech is guaranteed in the Constitution of the United States; it is guaranteed in the Constitution of Pennsylvania, but those constitutional provisions have been so interpreted in some instances that they permit freedom of speech to be restricted far more than our forefathers would have tolerated it.

Now, members of the House, I wish to remind you that there was a public hearing on this bill before the Committee on Judiciary General. Notice was given of this hearing in the press for more than a week before it took place. At that hearing there were five speakers in favor of this repealer and none whatever against it. Since that time, I understand a certain organization is conducting a concerted drive among the members of this House against this bill, but they were afraid to come out in the open at a public hearing and present their reasons for opposing this repeal, so that they could be answered. They prefer to go around in a whispering campaign from member to member rather than come individually before the committee and give their reasons in the open so that they might be fully and thoroughly considered.

Let us consider for a moment the speakers before that committee. The first one was Allen S. Homestead, Esq., of Media, Pennsylvania, a member of the Delaware County Bar, who was counsel in certain cases under this act. He spoke of the men that were prosecuted and convicted, and he said that all that it did was to make martyrs of a few fools; it did not accomplish the purpose for which it was passed.

The next speaker was Charles Denby, Jr., and for any of you that may think he is some wild radical, I wish to call your attention to the fact that he is a son-in-law of former United States Senator Reed, and that he openly stated before the committee that he was not a radical but he was a conservative, even a Tory, but he believes in free speech, and he believes that this act has no place upon the statute books of an American Commonwealth.

Another speaker before the committee was Ira Jewell Williams, Jr., of the city of Philadelphia. I do not think that anyone will accuse him of being a communist. He spoke along the same line, that the act did not accomplish

its purpose, that it made martyrs and drove under ground dangers which would be much better out in the open.

At that meeting there were letters produced from several members of the Philadelphia Bar, endorsing this bill to repeal the sedition act. Among those men was Robert McCracken, Esq., Walter Biddle Saul, Esq., Thomas Reyburn White, Esq., and Ira Jewell Williams, Esq. Those men are not communists, they are not socialists, they are not radicals; they are not even liberals; they are conservatives. But they believe in free speech, and they believe that this act which we propose to repeal is a violation of a fundamental principal of American democracy, and they appealed to the committee to support this bill to repeal it.

I can cite many quotations from leading Americans in support of the doctrine of free speech. I do not believe in force and in violence. I do not believe that it should be openly advocated but I do believe that it would be better for it to be out in the open than to be underground. Let us have it out in the open; let it be free.

Henry Ward Beecher has put the case on this point better than I can. He said: "Free speech is to a free people what winds are to the oceans and malarial regions, which waft away the elements of disease and bring new elements of health. And where free speech is stopped miasma is bred, and death comes fast."

You are not going to save your government by suppressing free speech. It is far better to let it come out in the open and be discussed, and then you can handle it much better.

These men who appeared before the committee took the position that Voltaire took. They hated the Communists. They hate everybody who advocates force and violence, but with Voltaire they said: "I do not agree with a word that you say, but I will defend to the death your right to say it."

That is the principle upon which our government was founded, for which our forefathers bled and died, that we might have this free democracy. They believe that the greatest glory of the free borne people is to transmit that freedom to their children. Are we going to permit that freedom for which our forefathers gave so much to be taken away from us in order to save the government which they set up in order to maintain that principle of free speech? I do not believe so. I am not afraid that our governement is so weak and frail that it is going to fall before the foolish assaults of a few communists or anarchists or other fools that come around preaching the doctrine of force and violence. I do not believe that any falsehoods are stronger than the truth. I believe in the motto which we have on the ceiling of this house; "Ye shall know the truth and the truth shall make you free."

Repeal this act from the statute books by passing this bill. Let us guarantee freedom of speech to the people of Pennsylvania, as it was guaranteed by our forefarthers. Let us hand down to all of our children that priceless heritage of liberty of freedom of speech. I ask you to vote "aye" on this bill.

One thing which I forgot which I feel is important. I call the attention of the members of this House to the fact that this bill is endorsed definitely by the Pennsylvania Federation of Labor. The president of the Federation appeared before the public hearing and advocated its passage. He has written a letter to every member of the Judiciary General Committee, dated March 11, 1935, which reads:

To the Members of the Judiciary General Committee of the House of Representatives.

Greetings:

For your information I desire to state that the Pennsylvania Federation of Labor is in favor of either House Bill No. 4 or 104 which provides for the repeal of the so-called Anti-Sedition Act.

We regard this legislation as altogether at variance with any theory of free government, and would point out that it was enacted during the war period at a time when public feeling ran high, and when many things took place as a result of more or less public hysteria.

We believe the General Assembly would do credit to itself by eliminating this obnoxious piece of legislation on our statutes.

Very truly yours,
John A. Phillips,
President"

Mr. ZIMMERMAN. Mr. Speaker and members of the House, so do I believe in free speech, so do the Veterans of Foreign wars and the American Legion and the Disabled War Veterans and the Spanish American War Veterans believe in free speech. They are the groups that I speak for today requesting that you vote against the repeal of this measure. We ask you to do that because we frankly believe that the repeal of this bill will not interfere with free speech. I wish to point out to you the fact that throughout the state of Pennsylvania, in the last few years there have been many intelligent men who have criticized the government of Pennsylvania and the government of the United States, and they received a respectable hearing. Their halls were crowded and there were no police officers there to judge as to the merits of the remarks and the weight of the criticism that they measured out against the two governments of which I have just spoken.

I call your attention to a condition that existed in Pennsylvania just a few weeks ago, and I call your attention in particular to Reyburn Plaza in the city of Philadelphia, where thousands of people assembled to criticize the government, the national government and they did so without violence. Free speeches, yes, free speech within the shadows of Independence Hall, unmolested and untrammelled by the police of Philadelphia. I believe that that condition was true in the western part of the State, and I call that to your attention, pointing out to you that we still have free speech in Pennsylvania, and I believe in United States. Yes, many college professors in the last few years have criticized the government and they received a large and representative hearing. But mark you ladies and gentlemen of the House, they only criticized the government; they did not speak to destroy it. Therein lies the difference. In my opinion the only thing that could be accomplished by the repeal of this measure would be to open the door wide for individuals to advocate a brand of government which they do not believe in, and which they know full well could not operate in this state and in this nation, but in order to become glorified young dictators, they are willing to stand on a soap box and agitate a type of government that is not found within the four corners of the Constitution of Pennsylvania or the Constitution of the United States.

The honorable gentleman who has just spoken to claims that this present measure makes martyrs of a few fools. Repeal this law and you will make these fools raving dic-

tators, and in a time like this they will receive a following because today in this troubled condition under which we live people are inclined to follow. To follow whom? The men who think wisely and soundly upon the principles and doctrines of government? Yes, to some extent, but perhaps to a larger extent, a group of men who have no interest in government except to tear down the existing form of government and to set themselves up in the form of leaders and dictators.

We have no brief against the people who criticized the government. That has been the citizen's privilege since the government was started. But we do criticize and we do condemn the type of individual who would seek to destroy this government, who would seek to set up in its place a type of government that has not worked abroad and that is not successful today in the foreign countries. Yet, repeal this measure and we will merely open the door wide for that type of individual to come into this country perhaps without the benediction of a passport, and say, "This is the type of government that we feel you Americans should have," and there is nothing to stop him.

Ladies and gentlemen of the House, I believe that there would be a great deal more danger in the repealing of this bill today and thereby placing upon the people themselves the right to judge what are destructive remarks against the government, rather than have that decision lie with the courts of the state, where I frankly believe it justly belongs. The mob will then decide and the mob has but one way of deciding, and that is by cracked skulls and by bruised bodies. The mob will decide then, not the courts of justice and if the honorable gentleman thinks that this law is too harsh, too drastic why does he not ask to modify the existing law? Why doesn't he ask to shade the penalties that now exist rather than repeal the law entirely?

Therefore, ladies and gentlemen, in this troubled day in which we live I ask you to safeguard the government both that state and nation by retaining this law upon our statute books. I thank you.

Mr. HERMANSEN. Mr. Speaker and members of the House, I have a peculiar urge to talk for this bill that I have not experienced and do not experience in connection with all legislation. It is not because I have sponsored a similar bill, nor is it because this bill has the endorsement of labor but because there is embodied in this bill a principle that has been dearly paid for in blood and sacrifice, and that is the principle that makes this bill controversial at this time.

McCauley, who was a writer of history and a member of the House of Commons in England, and who also wrote other books that became very popular, said that it was a foregone conclusion with many politicians that people should not have more liberties than they could use.

He also said: "The maxim is worthy of the fool in the old story, who resolved not to go into the water until he had learned to smim." I take the position today generally that the people of Pennsylvania will never be able to use more freedom than they have got. I also agree with Wendell John Phillips, when he said, "If there is anything in the universe that cannot stand discussion, let it crack."

And it has been said that none are more hopelessly enslaved than those who falsely believe they are free.

Now, my friends, this principle is one that I feel, if we are not to go down in history as reactionaries, we will have to defend at this time. I can justify the existence of a law like this when it was enacted, when this nation was called upon to prepare in a hasty manner to go into a World War, when the high officials of our government were themselves placed in a position where they couldn't afford to have the public criticize every move that they made, because it was not always in accordance with Hoyle, but that time has passed. This is a war time measure, and if it was justifiable at that time I can't see where there is any good reason why it should not have been repealed at least ten years ago. The people who go to bed trembling for fear that some uneducated soap box orator may change the form of government over night, I dare say, have given very little consideration in most instances to the power that this law places in the hands of the men who are high in government, and who may by the use of it become dictators over night. If this government is going to change, I am fearful that it is more apt to change into a dictatorship that will be handed down from the top than it will be from communism coming up from the bottom. I have enough confidence in the intelligence of the people of Pennsylvania to believe that thy can make their own decisions. I believe, as it was said here, that "error of opinion may safely be tolerated where reason is left free to combat it." That is Thomas Jefferson's statement. Thomas Jefferson also said that with the freedom of religion, the freedom of the press and the freedom of the press and the freedom of the person under the protection of habeas corpus that the nation had come through a period of revolution and reformation. If that was so in Thomas Jefferson's time, I don't see why we should become alarmed at this time. I don't believe that there is any more danger today than there was in Thomas Jefferson's time, that this nation will be overthrown.

As long as the people of Pennsylvania pay the officials of the government for the proper disbursement of the government's expenses and as long as that money is paid through taxes, I think that the people of Pennsylvania have a right to demand the privilege to criticize the people who are responsible for handling the tax money, and if they do things properly, there is no danger that anything will happen.

In the days of the Romans they believed that sedition was a bad thing, they classified it with treason and they punished it with death. Notwithstanding that fact, Rome fell, and although they succeeded in crucifying Christ for a crime of this character, nevertheless he endeavored to teach men to love one another.

My friends, I want you to think seriously before you vote upon this measure today. I have all the respect in the world for the soldiers who may have taken an opposite view in this matter, but I don't think and I am not satisfied that they should be an authority in the matter. This privilege was granted to use and we enjoyed it when the World War was declared. It was our privilege before the soldiers were called upon to save the world for democracy. We made no agreement with them that because they did so they should have the right to come back and take this privilege unto themselves. I want to ask you most sincerely, members of the House, to give this measure your vote. Vote "aye."

Mr. KANE. Mr. Speaker and members of the House, I was perhaps one of the comparatively few members of the House who took the time to attend the public hearings on this bill. At that time I was impressed by two things: first, the intelligent, sane argument, which was

put forward by the advocates of its repeal, and, second, by the comparatively small handful of people who were present at all, and the absolute lack of any representation to speak on the subject by those who were opposed to this measure.

I agree with the gentleman from Berks that the present sedition laws are broad, vague and terribly drastic. I agree with him that practically every member who conducted a vigorous campaign recently in opposition to the administration, either state or national, might have been convicted under this law. I am sure that all of the great Republicans from Lincoln to Witkin could have been put in jail." I am confident that I for one could probably be put in jail under this measure for making remarks publicly which would tend to bring the national government into contempt and ridicule. As a choice between going to jail and giving up this delightful pleasure, I think I would prefer to go to jail. I think that there were a great many people who would like to have had a say either for or against this bill, who did not get such an opportunity at the time the hearings were conducted. I appreciate the fact that there was no notice given. I repeat it, I went to the hearings, but it was with the greatest difficulty that I did so, as we had hearings on other matters in two or three different places around the Capitol on the same day and at the same time.

I believe that American institutions are surely meritorious enough so that they can stand the light of public criticism in the form of free speech. I agree with the gentleman from Berks when he says in substance that the blood of the martyrs is the seed of the church and that drastic suppression of the preaching of new doctrines is the surest way to drive them straight under the ground among the lowest classes of society. I believe, however, that it would be well if instead of at this time repealing lock, stock and barrel, the measure and amendments, the act of 1919 in total and all the amendments thereto,—this measure could be handled in such a way that the iniquitous portions of the present sedition law could be taken out and at the same time the members of this assembly would not find the necessity of having to vote either to take an outright repeal of the entire law or, on the other hand, to let the act stand as it is, with all its iniquities.

The gentleman from Berks has told me that he is not in favor of amending the present law. I am confident however, that a number of people, including at least one able jurist, would have liked to come up here and voice their protest against this repealer, and, therefore, both in the interest of free speech and as one who would hate to see the entire law as now written repealed outright at a time like this, I would like to move that this be recommitted to the Committee on Judiciary General for the purpose of further public hearings and possible amendment.

MOTION TO RECOMMIT

Mr. KANE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further public hearings and possible amendment.

On the question,

Will the House agree to the motion?

Mr. HOOPES. Mr. Speaker and members of the House my friend, the gentleman from McKean, has made a very able argument in support of the bill to repeal the sedition act, but then he spoils it by making a motion to recommit the bill to the Committee on Judiciary General.

I submit that this act, this is proposed to be repealed, is not capable of amendment, which will make it consistent with the principles of free speech. I submit that it is contrary to that doctrine and it should be repealed in its entirety, and there is no reason to recommit this bill to committee.

It has been in the Judiciary General Committee since the first day of this session, when it was introduced and referred. It was carefully considered by a sub-committee of that committee for a period of over two months. We then had a public hearing, and the usual full notice was given in the press and everybody was invited to appear, and nobody appeared against it. I submit that this motion to send it back now is merely a move to kill it and it should not be tolerated. I ask you, members of the House, to vote against this motion, even though you may be against the bill. Let us come out in the open and vote upon the measure itself. Don't try to dodge the issue. Vote for or against the bill. Vote against the motion so that you will have a chance to vote on the bill itself.

I ask for a roll call, Mr. Speaker.

Mr. CAPUTO. Mr. Speaker and members of the House, since the action of the committee has been brought into the discussion on this bill, I feel it is my duty to tell the members of this House just what happened and how it happened.

This bill came into our committee on the first day of the session. It was sent to a sub-committee for study. On several occasions the committee was called together to discuss the bill in open session. At the request of many people a public hearing was held, and accordingly notice of the public hearing was given at least ten days before the public hearing was held. On April 19th the public hearing was held in the Senate caucus room, at which time the committee called upon all those present who desired to be heard for or against the bill to appear before the committee. No one answered on behalf of those opposing the repeal of this bill. On behalf of the bill there appeared, in addition to the President of the Pennsylvania Federation of Labor, and Mr. Charles Denby Jr. of Philadelphia, an ultra conservative; also a Mr. Williams, a lawyer of Philadelphia; also an ultra conservative, and others. So that we heard no one in opposition to the bill, and we gave them full opportunity to be heard. Since that time I have received exactly one request that the bill be killed. In opposition to that, I have received dozens of communications from people throughout the State in one form or another. None of the names appear to be of foreign extraction, but all of them appear to be of Angle-Saxon derivation. I say to you that this motion to recommit is improper at this time because it has been given all the consideration that this bill or any other bill should deserve.

Mr. KANE. Mr. Speaker and members of the House, I would like to take a minute more of the time of the House for this purpose. I would like to say to the liberal members of the House who would like to see the sedition laws amended or some of the more drastic provisions taken out to vote against this motion to recommit will probably result in the defeat of this bill. I would like to say also to some of the conservative members of the House who would like to kill this bill, that I think to do so would

only result in damning up the forces which desire to change the present law and will result eventually perhaps not only in this law being repealed, but in still further action which might not be as satisfactory as this repealer.

I have not made the motion for the purpose of killing this bill. I have made it for the reason that I think that the present act is too strong, and I think an outright repealer at this time, would be a mistake. I wish to assure this House of my entire sincerity in making this motion in what I believe to be in the interest not only of free speech but of good government.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. HOOPES and Mrs. WILSON.

YEAS—55

Altenburg,	Gillette,	Muir,	Stewart,
Arnold,	Green,	Parks,	Stott,
Aukerman,	Habbyshaw,	Peters,	Surface,
Baker, F. T.,	Haberlen,	Phillips,	Terry,
Barnhardt,	Hart,	Root,	Trout,
Bernhard,	Hefferon,	Schrock,	Turner,
Boose,	Jones,	Shaw,	Wall,
Boyd, R.,	Kane,	Shreiner,	Weidemann,
Boyer,	Longaker,	Simon,	Winner,
Brennan,	Mallen,	Snyder, F. E.,	Wood,
Conner,	McDevitt,	Snyder, J. L.,	Woodside,
Denning,	McHenry,	Sowers,	Yeakel,
Flynn,	Merrell,	Spangler,	Zimmerman,
Forrest,	Moore,	Sproul,	

NAYS—113

Achterman,	Duffort,	Mason,	Schwab,
Alexander,	Eberharter,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Andrews,	Ferko,	McElroy,	Shugarts,
Baine,	Finnerty,	Mentzer,	Siegel,
Baker, J. J.,	Fitch,	Mooney,	Simpson,
Bradley,	Flanagan,	Moran,	Sinwell,
Brancato,	Flinchbaugh,	Munley,	Smith, J. A.,
Brown, H. S.,	Greenstein,	Murrin,	Smith, W. G.,
Brown, J. E.,	Hamilton, F. P.,	Nagel,	Stank,
Brownfield,	Harkins,	O'Keefe,	Stevens,
Brumbaugh,	Harmuth,	Ominsky,	Sumney,
Cannon,	Hartman,	Panton,	Tani,
Caputo,	Hermansen,	Patterson, J. W.,	Tronzo,
Carr,	Hetrick,	Pearson,	Tumelty,
Carson,	Hindman,	Perry,	Van Sickle,
Castor,	Hirsch,	Pfaff,	Walker,
Chervenak,	Hoffner,	Piole,	Weiss,
Coakley,	Holstrom,	Powers,	Welliver,
Cochran,	Hoopes,	Reising,	Welsh,
Cohen,	Kelder,	Reynolds,	Westrick,
Condon,	Kelso,	Rinn,	White,
Coolahan,	Kilroy,	Roan,	Wickersham,
Cordier,	Kinney,	Robinson,	Wilson,
Davies,	Klingler,	Ruffennach,	Witkin,
Decker,	Long,	Sarraf,	Yourishin,
Dent,	Lovett,	Scanlon,	Zappala,
Downey, G. E.,	Male,	Schrope,	Sarig,
Downey, J. J.,			

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker and members of the House, I was indeed surprised to find that there should be a bill introduced in this House to repeal the act of 1919, known as the sedition law, and I was more surprised to find that such a bill should be reported out on the floor of this House.

I desire to point out to the members of this Legislature that this repealer bill is indeed subtle. By inference, although not directly, it is stating to the people of this Commonwealth that it shall be legal,—the crime of sedition, shall be legal. The reading of the act of 1919,—let us see what it says they are going to repeal. That act makes it unlawful for any individual or any group of individuals, either by their conduct or by their acts or by utterances to encourage any person or persons to take any measures or to engage in any conduct with a view to overthrowing or destroying or attempting to overthrow or destroy by any force or show or threat of force, the government of this state or of the United States. They would say in effect that now it is perfectly legal. Yes; they go further than that. Also it is a crime under the act to make or cause to be made any outbreak or demonstration of violence against this state or against the United States. And I may say, that this repealing bill is subtle in the fact it now says it is legal.

Let us just cooly and dispassionately discuss the reasons advanced by the gentleman from Berks for repealing this act. Four reasons were stated; one, that there are other laws that sufficiently cover the subject, and the other three reasons are closely allied; first, free speech; second, because it is against the early traditions of our country, and the third allied reason is that they state that the act causes suppression.

Now, discussing the first reason, that is, the other laws: It is very true, of course, that we have a law of treason, we have a law of conspiracy and we have other laws which perhaps cover the subject, but let me point out that the reason they are so opposed to this bill is for the reason that the over act is defined in this bill, whereas in the other cases they are dependent mainly upon judicial decisions, under common law. I state to the members of the House that if the subject is covered by other laws, the common law, then certainly they should not come here complaining that this particular act should be repealed, and not a companion act repealing all other laws. If they desire to make sedition legal and proper and if their complaint is because of the severity of the sentence, let them come here with an act, let them come here with an amendment to this act, reducing the amount of penalty involved, and not remove from the statute books a law that is keeping in force, driving away those who would delight in seeing an overthrow of the government of this country. Yes, not only an overthrow, but also in seeing a chaotic condition exist.

As to the three allied reasons, they state that the principles of our early history are to the contrary. May I call the attention of the members of this House to the fact that as a matter of fact conditions were entirely different at that time. At the time previous to the Revolution, the people of this country did not have a right of expression in government. They were merely subjects of a foreign king, had nothing to say, and, if you please, the Revolution started out, not for the purpose of creating and forming a new government, but only for the purpose of securing to themselves the right of expression, the right to take part in their government, and those rights exist today with every individual living in this land, and the sedition act does not take away from them the right of self expression, the right of free speech. I say to the members of this House that any one has a right under this act to express himself on the form of government. He has the right to take the soap box on the corner, if he wishes, and state his preference as to the form of government. He has a right to go forward in an effort to educate people into his ideas and his ways of

thinking, and then, after educating them, it his duty to chrystalize that education into the ballot, and in doing that he would accomplish everything legally that otherwise he would seek to accomplish by force, by an overthrow of the government. As to suppression. After all, actually the suppression that they mean is that of free speech, and that free speech is guaranteed to them. After all, let me state to the members of the House that the passing of this bill, the repealing of the law on sedition will be a direct encouragement to those radicals who are desirous of overthrowing the government, who are desirous of bringing about chaotic conditions, and that instead of just a few fools, as mentioned by the gentleman from Berks, we will have a multitude of them. It will result in a chaotic condition that must necessarily be met with force, more of our people will be in trouble. For that reason I am asking every member to vote "no".

Mr. YOURISHIN. Mr. Speaker and members of the House, I am for the bill for two reasons: first, because the right of free speech is guaranteed to us by the Constitution of the United States and the Constitution of this Commonwealth. Second, because labor has suffered more under these sedition laws than those who have ever had to do with the overthrowing of the government. Labor in its disputes with employers, those who would protect the common laborer are the ones who have suffered under this sedition law. Then mention has been made of people who would be prevented under this bill from going down in their cellar and doing the things that the bill in itself tried to prevent them from doing. I believe that it is much better. I believe as American citizens, with any red blood in us, if any one comes out in the open to criticize the government that we can take care of that very well. What happens when people are prevented from expressing their thoughts. As has been stated here, they go into secret meetings, into cellars and create a sentiment such as was created years ago in a country that some members of this House are now condemning, namely Russia. They were prevented from free speech, they were prevented from saying anything about the government at that time, and the result of it was they met secretly, and today, because of some of the things that the people of this Commonwealth are complaining of, we have communism in Russia.

I say to the members of this House that the sedition bill should be repealed and every one given the right to express their thoughts. I don't think you will have the condition that you are fearful of having, of a great mob coming in and trying to overthrow this government.

On the other hand, you are in more danger of that thing occurring by having these people we pretend to keep out of the country coming in here and holding secret meetings. I say that it is much better to repeal the law and give us free speech in the state.

Mr. FITCH. Mr. Speaker and members of the House, I, like the gentleman from Monroe, was rather surprised when I sat down and read that there was such an act enacted in the state of Pennsylvania. It can not be said about myself that I am so close to foreign parentage. I happen to be one of those men whose stock goes back, but I am speaking now for the American people.

Thomas Jefferson, of whom you have heard spoken so much, has outlined not only democracy, but really the principles of this country. You can readily understand that there has never been a revolution in any country on earth from the dawn of history that was brought about by liberal legislation. If this particular act had not been handled by real, honest to God judges in the state of Pennsylvania, probably we would have had trouble.

We have just passed through or are just passing through a panic or depression, the like of which the world has never seen before. In the state of Pennsylvania we find that the people are getting along very well. In Philadelphia we find probably some overly anxious officials. In our Frankford High School, they interpreted this act that they had the right and the privilege to go into the boys' lockers to find out just exactly what they were doing. This country need not fear from the people of this country so long as we do the right thing by them. This Legislature, as I see it and as I have known it, I can truthfully and honestly say that if this sedition act was up for passage at this particular time, the chances are a thousand to one it would never go through. It did happen in 1919, when we had just come through a World War, when we were all excited, when our officials did not know exactly what was going on. The people who were running our government at that time were able to pass such laws, which under the sane conditions of today in Pennsylvania could not be done.

I say this to the soldiers and the sailors that neither I nor my people lack anything in our loyalty to our country, but I would be ashamed to use tactics of this kind with the people, the poor people, the people who work for a living, should not be protected. I say to you that in all fairness we should weigh this matter very carefully and not put in the hands of a few men in a city or town the privilege of saying what is sedition. What does the act say? "Any writing, publication, printing, cut, cartoon, utterance, or conduct, either individually or in connection or combination with any other person or persons." Who is to judge it? We do not always elect men as judges who are absolutely correct. We know of decisions that have been handed down and have been reversed.

I will say furthermore about this act, that this act, as I understand it, if it ever got to the United States Supreme Court, the chances are it would be thrown out. I understand it has never gotten that far. Here is the position that you are in. You are in the position of giving to the people of the state of Pennsylvania a decent chance in the event of anything going along that is a benefit to them. We need have no fear of an insurrection in the state of Pennsylvania or the United States so long as we do right by the people.

Mr. SCHROPE. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Allen, Hirsch, Hartman, Altenburg, Stott, Siegel, Forrest, Zimmerman, White, Peters, Winner, Falkenstein, Welliver, Francis T. Baker, Schrock, Yeakel, Surface, Gillette, Jones, James L. Snyder, Woodand others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. HOOPES. Mr. Speaker, I ask for a verification of the roll.

The affirmative roll was read by the Clerk.

REASONS FOR VOTE

Mr. EBERHARTER. Mr. Speaker, I wish to vote "aye" and file my reasons for so doing.

I am a veteran of the World War; now hold a commission as Captain in the United States Army Reserve, and know that I am just as patriotic as any citizen of Pennsylvania.

My vote is in the affirmative on this bill to repeal what is known as the Anti-Sedition Act, because I am, first of all, a believer in free speech; because there are sufficient statutes at present providing an adequate remedy for the abuses which this act was intended to correct; because this act as drawn is too broad in its phraseology and terms, and therefore, may subject perfectly innocent persons to punishment; and further because, in recent years,this act has been used in several instances for the suppression of freedom of speech and assemblage and persons sentenced to long terms in prison without sufficient justification, in my mind. Suppression of free speech is an evil more to be guarded against than the harm that may come from the loose mouthings of irresponsible persons.

Freedom of speech is a priceless heritage which we present day Americans should not lightly waive.

Mr. KANE. Mr. Speaker, I desire to file my reasons for voting "no".

I tried to save the valuable part of this bill, by offering a chance for further hearing and amendment. I think the Sedition Law as it now stands is bad, but I think a complete repealer at this time is probably worse. Therefore I vote "no" on this bill to repeal.

Mr. WITKIN. Mr. Speaker, may I ask how the gentleman from Philadelphia, Mr. Condon, is recorded as voting?

The SPEAKER. He is not recorded.

Mr. WITKIN. Mr. Speaker, may I ask that he vote?

The SPEAKER. How did the gentleman vote?

Mr. CONDON. I did not vote, Mr. Speaker.

The SPEAKER. How does the gentleman from Philadelphia desire to vote?

Mr. CONDON. Aye, Mr. Speaker.

The SPEAKER. The gentleman will be so recorded.

Mr. CONDON. Mr. Speaker, I desire to ask how the gentleman from Philadelphia, Mr. Blumberg, voted.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Blumberg, vote? The gentleman is not recorded. He is not in the hall of the House.

Mr. CONDON. Mr. Speaker, I ask that he vote.

The SPEAKER. The gentleman is not in the hall of the House and consequently can not vote.

REASONS FOR VOTE

Mr. McCREARY. Mr. Speaker, I vote "no" and file my reasons therefor.

I vote "no" for the reason that I believe the ballot is the way to cure present evils in government.

PERMISSION REQUESTED TO VOTE

Mr. BLUMBERG. Mr. Speaker, I was not within the hall of the House when my name was called. I would like permission of the House to vote.

The SPEAKER. Will the House give its unanimous consent for the gentleman from Philadelphia to vote?

Mr. TURNER. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

MOTION TO GRANT RIGHT TO VOTE

Mr. HOOPES. Mr. Speaker, I move that the House grant the gentleman from Philadelphia, Mr. Blumberg, the right to vote.

The SPEAKER. Does the gentleman from Berks wish to suspend the rule? The only other way to grant the right to vote is by unanimous consent, and unanimous consent has been refused.

MOTION TO SUSPEND RULE

Mr. HOOPES. Mr. Speaker, I move to suspend Rule 78 so that the gentleman from Philadelphia, Mr. Blumberg, may be allowed to vote, and all other members failing to vote upon the roll call.

Mr. WITKIN. Mr. Speaker, at the request of the gentleman from Philadelphia, Mr. Blumberg, I second the motion of the gentleman from Berks, Mr. Hoopes.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair will read Rule 78 for the information of the members of the House:

"No member shall be permitted to vote on any question unless he be present in the House when the yeas and nays are called he be present to answer to his name."

The gentleman from Berks wishes to suspend the rule for the specific purpose of permitting the gentleman from Philadelphia, Mr. Blumberg, to vote, and any other member who was not in the hall of the House when the roll was called.

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, there is nothing before the House but the verification of the roll. The roll has already been called.

The SPEAKER. The result has not yet been announced. Any member has the right to vote before the result is announced if he was in the hall of the House and present to answer to his name.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, the roll has already been called. The question now before the House is the verification of the roll. If the gentleman was within the hall of the House or without the hall of the House and asked permission to have his vote recorded after the roll had been called but before verification of the roll had been requested, that is, taking it that the Chair was right in its interpretaion, would the gentleman have been permitted to record his vote? The roll has been called and a request has now been made for a verification of the roll, therefore, nothing is in order but the verification of the roll.

The SPEAKER. The Chair will state on the qestion of parliamentary inquiry that a verification of a roll is simply a process of getting a correct roll, and until the result is announced a member, if he was within the hall of the House, has the right to record his vote.

Mr. ANDREWS. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, is the motion made by the gentleman from Berks debatable?

The SPEAKER. A motion to suspend a rule is debatable.

Mr. ANDREWS. Mr. Speaker and members of the House, from a parliamentary viewpoint the motion made by the gentleman from Berks is the most dangerous parliamentary expedient as yet brought before this House. I submit to the minority that when a roll is called, if the House by a majority at any time can summon from the outer vastness absent members and record them you are creating a parliamentary precedent that will wreck and ruin procedure. There is only one sane, fair thing for a majority, and certainly only one safe thing for a minority, and that is to insist that only those members within the hall of the House be permitted to vote. If the motion made by the gentleman from Berks prevails, the minority sells its rights and the majority takes unto itself an advantage never contemplated by proper parliamentary procedure.

Mr. HOOPES. Mr. Speaker, I rise to answer the remarks of the gentleman from Cambria. This is a representative body. Every member of this House represents a constituency in this state, and we have the right, and those constituents have the right to have the vote of every member on an important measure recorded. With a large number of members deliberately walking out of the House in order not to vote, it is entirely proper that this House take steps to see that they do not dodge their duty, but they vote and are recorded as voting either one way or the other.

Mr. WITKIN. Mr. Speaker and members of the House, I think that when a man is wrong, he ought to admit it. I have listened to the gentleman from Cambria, Mr. Andrews, and I am frank to admit that I think he is right and I am wrong.

I was prompted to second the motion made by the gentleman from Berks, Mr. Hoopes, because of my deep friendship for the gentleman from Philadelphia, Mr. Blumberg, who happened to be, to my knowledge, in the Senate at the time the vote was taken. I didn't want the idea to prevail that he was ducking, to use the vernacular, the vote, and for that reason in order that he might be recorded I seconded, without giving it proper thought, the motion of the gentleman from Berks. Mr. Hoopes.

With his permission I would like to withdraw that second and ask the permission of the House so to do, because I believe that the gentleman from Cambria is right in saying that we would set a bad precedent. A vote could be taken and five or six or ten men, if they so chose,—although I do not think that any of the men would so do,—could walk out of the House, the yeas and nays could be counted by some one and then dependent upon the result a motion could be made to have another roll call. Much as I would like to have the gentleman from Philadelphia, Mr. Blumberg, vote on this bill, whether that vote would be the same as mine or the opposite, nevertheless I am constrained to believe that the gentleman from Cambria is absolutely right, that it would set a bad precedent and I ask that this motion placed before the House be defeated.

QUESTION OF INFORMATION

Mr. EROE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. EROE. Mr. Speaker, I was called to the long distance telephone in the conference room. Would that be considered in the hall of the House?

The SPEAKER. It would not.

MOTION TO SUSPEND RULE WITHDRAWN

Mr. HOOPES. Mr. Speaker, I am willing to withdraw the motion that I have made, but I want to make another motion.

The SPEAKER. The gentleman from Berks, Mr. Hoopes, withdraws his motion to suspend Rule 78.

MOTION FOR A SECOND ROLL CALL

Mr. HOOPES. Mr. Speaker, in view of the fact that a large number of the members did not vote upon this measure, I move that the roll be called again.

The SPEAKER. The roll has already been called, but the Chair is willing to give every member a chance to record his vote who has not done so.

Mr. KANE. Mr. Speaker, may I speak against this motion?

The SPEAKER. We are in the midst of a verification. Does the gentleman from Berks insist upon his motion?

Mr. HOOPES. I do, Mr. Speaker.

The SPEAKER. The gentleman insists upon his motion that a new roll be called and the question is for the House to decide.

On the question,

Will the House agree to the motion?

Mr. COHEN. Mr. Speaker and members of the House, I cannot see that this motion made by the gentleman from Berks, Mr. Hoopes, is any less vicious than his previous motion. The same result can be obtained by a recalling of the roll as can be obtained by questioning individuals who were not recorded and who were outside of the hall of the House at the time the roll was called. I can see that the gentleman from Berks is prompted by a desire to have everybody in the hall of this House, the entire membership, recorded on what he deems a very important measure. I would suggest this to the membership of this House: since this motion is no less vicious than his previous motion, that it be defeated. I would suggest that anyone who desires to be recorded on this measure can do so under a question of personal privilege.

The SPEAKER. The Chair has already stated that he is willing to let every member have a chance to record his vote who has not already voted.

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, a motion for a recalling of a roll is not in order. I desire to state that if it were in order you could continue to move to recall a roll and have a roll call on the motion to recall the roll and without ever reaching a decision.

MOTION RULED OUT OF ORDER

The SPEAKER. The point of order is well taken. The Chair rules the motion out of order.

Mr. HOOPES. I would like to inquire how the lady from Philadelphia, Miss Bracato, is recorded.

The SPEAKER. The lady from Philadelphia, Miss Brancato, is not recorded as voting

Mr. HOOPES. Mr. Speaker, I ask that she be required to vote.

The SPEAKER. Was the lady in the hall of the House?

MISS BRANCATO. I was not, Mr. Speaker.

The SPEAKER. The lady states that she was not in the hall of the House when her name was called.

Mr. HOOPES. Mr. Speaker, I would like to inqure whether the gentleman from Philadelphia, Mr. Burke, is recorded as voting?

The SPEAKER. The gentleman is not recorded.

Mr. HOOPES. Mr. Speaker, I would like to ask that the gentleman be required to vote.

The SPEAKER. Was the gentleman from Philadelphia in the hall of the House when his name was called? The gentleman is not in the hall of the House now.

Mr. HOOPES. Mr. Speaker, I would like to inquire if the gentleman from Washington, Mr. Carson, is recorded as voting?

The SPEAKER. The gentleman from Washington, Mr. Carson, is not recorded.

Mr. HOOPES. Mr. Speaker, I ask that the gentleman be required to vote.

Mr. CARSON. Mr. Speaker, I was in the Secretary of the Commonwealth's office when the vote was taken.

The SPEAKER. The gentleman states that he was not in the hall of the House when the roll was called.

Mr. HOOPES. Mr. Speaker, I would like to inquire how the gentleman from Northampton, Mr. Coakley, is recorded as voting.

The SPEAKER. The gentleman is recorded as voting "no."

Mr. HOOPES. Mr. Speaker, I would like to inquire whether the gentleman from Blair, Mr. Diehl is recorded as voting.

The SPEAKER. The gentleman is not recorded as voting and has not been in the hall of the House.

Mr. HOOPES. Mr. Speaker, I would like to inquire how the gentleman from Mercer, Mr. Dilley is recorded as voting.

The SPEAKER. The gentleman is not recorded.

Mr. HOOPES. Mr. Speaker, I would like to ask that the gentleman be required to vote.

Mr. DILLEY. Mr. Speaker, I was not in the hall of the House when the roll was called.

The SPEAKER. The gentleman states that he was not in the hall of the House when his name was called.

Mr. DILLEY. Mr. Speaker, my vote would have been "no" if I had been here.

Mr. STEVENS. Mr. Speaker, may I ask whether my vote is in question?

The SPEAKER. The gentleman's vote is not in question.

Mr. HOOPES. Mr. Speaker, I would like to ask whether the gentleman from Philadelphia, Mr. Ferko is recorded as voting?

The SPEAKER. The gentleman is not recorded as voting.

Mr. HOOPES. Mr. Speaker, I ask that he be required to vote.

The SPEAKER. Was the gentleman from Philadelphia, in the hall of the House when his name was called? The gentleman is not in the hall of the House now.

Mr. HOOPES. Mr. Speaker, I would like to inquire how the gentleman from Westmoreland, Mr. Haberlen, voted?

The SPEAKER. The gentleman is recorded as voting "no."

Will the gentleman permit the Chair to complete the verification of the roll? After the verification is completed the gentleman can call attention to those members who are not recorded.

Mr. HOOPES. Mr. Speaker, the reason I am raising the question now is because if the members happened to be within the hall of the House at the time the roll was called they can be required to vote. Whereas, if I wait until after the roll is verified they would not be permitted to vote.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a specific point of order.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, will state his point of order.

Mr. ANDREWS. Mr. Speaker, the gentleman from Berks is privileged only to question the affirmative roll after the affirmative roll has been read, and privileged to question the negative roll only after the negative roll has been read?

The SPEAKER. The point of order is well taken.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HOOPES. Mr. Speaker, I rise to a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. HOOPES. Mr. Speaker, how can we find out whether or not the members who are not recorded within the hall of the House and require them to vote, and have their votes recorded?

The SPEAKER. Any member who was not within the hall of the House does not have the right to have his vote recorded. It is up to the members themselves to determine whether they shall be recorded or not, unless a specific challenge is made.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ANDREWS. Mr. Speaker, the gentleman from Berks is privileged only to call attention to the members who are present but not voting immediately after the vote has been taken.

The SPEAKER. The point of order is well taken.

Mr. HOOPES. Mr. Speaker, on the point just raised by the gentleman from Cambria, Mr. Andrews, I submit that I am raising it immediately before anything else has been done. We have not completed the affirmative verification which is the next step.

The SPEAKER. Does the gentleman wish to challenge any further votes?

Mr. HOOPES. Mr. Speaker, I do.

The SPEAKER. Will the gentleman proceed? We have a public hearing at two o'clock and we would like to complete the roll call.

Mr. HOOPES. Mr. Speaker, I would like to inquire how the gentleman from Philadelphia, Mr. Hagerty, is recorded as voting?

The SPEAKER. The gentleman is not recorded.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ANDREWS. Mr. Speaker, the gentleman from Berks, Mr. Hoopes, must question specifically either the affirmative roll or the negative roll, but cannot under any possibility indulge in a fishing expedition throughout the whole House.

The SPEAKER. The point of order is well taken.

Mr. HOOPES. Mr. Speaker, I ask whether the gentleman from Philadelphia, Mr. Hart, is recorded as voting in the affirmative?

The SPEAKER. He is not recorded in the affirmative.

Mr. HART. Mr. Speaker, I was here and voted "no". I was in the hall of the House.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ANDREWS. Under the rules of the House, Mr. Speaker, the gentleman from Berks, if he wishes to challenge a vote must submit his challenge in writing.

The SPEAKER. The point of order is well taken.

Mr. HOOPES. Mr. Speaker, if the gentleman from Cambria, Mr. Andrews, insists upon his point of order I shall have to ask for time to submit a written challenge, which will take a great more time than the other method.

The SPEAKER. Does the gentleman wish to challenge any votes in writing?

Mr. HOOPES. Mr. Speaker, I do.

The SPEAKER. Will the gentleman send his challenge to the desk in writing?

Mr. HOOPES. Mr. Speaker, I will.

The SPEAKER. Are there any further corrections to the affirmative roll?

Mr. HOOPES. Mr. Speaker, I ask for time to do that before the verification is completed?

POINT OF ORDER

Mr. WEISS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny, Mr. Weiss, will state his point of order.

Mr. WEISS. Mr. Speaker, is this a filibuster on the part of the gentleman from Berks, Mr. Hoopes, to deny us the right to eat some lunch?

The SPEAKER. The point is one not of order.

Mr. HOOPES. Mr. Speaker, answering that point I wish to say I haven't had any breakfast.

The SPEAKER. The remark of the gentleman is equally out of order.

Mr. HOOPES. Mr. Speaker, I ask time to prepare the challenges.

ORDER OF THE DAY

Mr. ANDREWS. Mr. Speaker, I call for the order of the day.

The SPEAKER. The order of the day is the verification of the roll.

Mr. ANDREWS. Mr. Speaker, the order of the day is not waiting here on the convenience of the gentleman from Berks while he compiles a directory of the legislature. If he has any challenges he can submit them.

Mr. HOOPES. Mr. Speaker, I submit that the rules of this House cannot be so interpreted as to make it impossible to follow them. I have asked to file challenges. The rules require that they be submitted in writing, it would be impossible until the roll is completed for me to make any challenges. The only way I could possibly write them out would be to take time. I did not want to do that. I thought we would get out of here early. I prefered to do it orally because it takes too much time but as the point has been raised, it is the only thing I can do.

The SPEAKER. A member has the right to challenge the vote. The gentleman will send up his challenge in writing as promptly as possible. In order to facilitate the business of the House we will proceed with the negative roll, and then hold it until the challenges are received.

Mr. JOHN E. BROWN. Mr. Speaker, would it be in order for me to call attention of the Speaker one mistake in the negative roll call where it concerns another member who was not present?

The SPEAKER. The Chair would like to have the information.

Mr. JOHN E. BROWN. Mr. Speaker, Dr. Hindman who is recorded as voting "no" was not present during the roll call. He is not here now to speak for himself.

The SPEAKER. The gentleman will not be recorded as voting.

Mr. SHREINER. Mr. Speaker, the gentleman was in the hall of the House and voted "no" from back of the railing.

Mr. JOHN E. BROWN. Mr. Speaker, I am just now informed that Dr. Hindman was back of the rail and answered "no" to his name. I don't know anything about it.

The SPEAKER. The gentleman from Washington, Mr. Hindman, will be recorded as voting.

Mr. SPROUL. Mr. Speaker, I heard the name of my colleague Mr. Stockham, on the negative roll and he is not in the hall of the House. He asked for leave of absence and went home.

The SPEAKER. The gentleman from Bucks, Mr. Stockham, is not recorded.

Mr. PARKS. Mr. Speaker, I didn't hear my name on the negative roll, but I voted "no."

The SPEAKER. The gentleman from Blair is not recorded as voting no. Does he wish to be so recorded?

Mr. PARKS. Mr. Speaker, I do.

Mr. HOOPES. Mr. Speaker, I wish to present the following challenges.

The SPEAKER. The gentleman will send his challenges to the desk.

The Chair will read for the information of the House Rule No. 80, Verification of the roll and challenging of votes.

"After the completion of a roll call, any member of the House may demand a verification of the roll by the clerk and if the vote or votes of members recorded as voting shall be challenged, in writing, by any member, and the votes so challenged would change the result, the announcement of the vote shall be postponed until the Speaker shall have investigated allegations made, when the roll call shall be corrected, if necessary, and the true result shall be announced by the Speaker."

The following challenge has been made by the gentleman from Berks, Mr. HOOPES:

"I challenge the votes of the following gentlemen, Holland, Linderman, McKinney, Moomaw, Moul. O'Neill. Rhys, Root, Schwartz, Tahl and Wasserman."

The following were not present in the hall of the House at the time their names were called: O'Neill, Rhys, Root, Schwartz, Moul, Wasserman and Tahl, and therefore could not be recorded.

The following are not recorded as voting, Holland, Linderman, McKinney and Moomaw. These members not having been recorded as voting their votes cannot be challenged.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WITKIN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. WITKIN. Mr. Speaker, if the challenge as made by the gentleman from Berks, Mr. Hoopes, were sustained would it change the question of the passage or the non-passage of this bill.

The SPEAKER. It would not.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WITKIN. Mr. Speaker, I rise to a further question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. WITKIN. Mr. Speaker, is it not therefore under the rule required that the announcement of the vote be made by the Speaker with respect to passage or non-passage, and the question of the challenge is gone into later?

The SPEAKER. We are now on the verification of the roll and there are no challenges that can be sustained as the names the Chair has just read. The challenges as submitted by the gentleman from Berks are not in order under the rules.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HOOPES. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HOOPES. Mr. Speaker, the Chair has stated that certain of the members whose votes were challenged were not within the hall of the House at the time the roll was called. That statement was made without inquiry from the House or the members, some of whom are now present, whether they were present at the time the roll was called, and I would like to ask how the Chair obtained the information?

The SPEAKER. The chair obtained the information from the Chief Clerk.

Was the gentleman from York, Mr. Moul, present when the vote was taken? The Chair wishes to ascertain the facts.

Mr. COHEN. Mr. Speaker, the gentleman from York, Mr. Moul was not present.

The SPEAKER. Was the gentleman from Lackawanna, Mr. O'Neil, present when the roll was called?

(No response)

The SPEAKER. Was the gentleman from Luzerne, Mr. Rhys, present when the vote was taken?

Mr. GATES. Mr. Speaker, the gentleman was not present.

The SPEAKER. Was the gentleman from Philadelphia, Mr. Root, present when the vote was taken?

Mr. ALLEN. Mr. Speaker, he was not.

The SPEAKER. Was the gentleman from Philadelphia, Mr. Schwartz, present when the vote was taken?

Mr. McDEVITT. Mr. Speaker, he was not.

The SPEAKER. Was the gentleman from Philadelphia, Mr. Tahl, present when the vote was taken?

Mr. TAHL. I was not, Mr. Speaker, but I am willing to vote.

The SPEAKER. Was the gentleman from Philadelphia, Mr. Wasserman, present when the vote was taken?

(No response)

Mr. HOOPES. Mr. Speaker, in view of the information which the Chair has now obtained, I am satisfied with the answer to my parliamentary inquiry, although I might say that I saw at least two of the gentlemen in the House at the time of the vote.

The affirmative roll was verified.

The negative roll was verified.

The roll was verified and was as follows:

YEAS—78

Andrews,	Gates,	McHenry,	Ruffennach,
Baine,	Gerard,	Melchiorre,	Ruth,
Baker, J J.,	Haluska,	Mooney,	Sarraf,
Barber,	Hamilton, F. P.,	Moran,	Scanlon,
Bradley,	Harkins,	Munley,	Shaw,
Brown, H. S.,	Harmuth,	Nagel,	Shepard,
Brown, J. E.,	Hermansen,	O'Keefe,	Shugarts,
Cannon,	Hirsch,	Ominsky,	Smith, J. A.,
Caputo,	Holstrom,	Patterson, J. W.,	Stank,
Carr,	Hoopes,	Pearson,	Stevens,
Chervenak,	Jackson,	Perry,	Tronzo,
Cohen,	Kelder,	Pfaff,	Van Allsburg,
Condon,	Kilroy,	Piole,	Walker,
Coolahan,	Kinney,	Powers,	Weiss,
Dent,	Klingler,	Reising,	Westrick,
Eberharter,	Kobelak,	Reynolds,	Wilson,
Falkenstein,	Long,	Rinn,	Yourishin,
Finnerty,	Lovett,	Robinson,	Zappala,
Fitch,	McDermott,	Rooney,	Sarig,
Flanagan,	McElroy,		

NAYS—103

Achterman,	Duffort,	McDevitt,	Snyder, J. L.,
Alexander,	Flinchbaugh,	Mentzer,	Sowers,
Allen,	Flynn,	Merrell,	Spangler,
Altenburg,	Forrest,	Moore,	Sproul,
Arnold,	Furman,	Muir,	Stone,
Atkins,	Gillette,	Murrin,	Stott,
Aukerman,	Green,	Nothnagle,	Sumney,
Baker, F. T.,	Habbyshaw,	Panton,	Surface,
Barnhardt,	Haberlen,	Parks,	Terry,
Bernhard,	Hamilton, R. S.,	Patterson, C.,	Trout,
Boose,	Hart,	Peters,	Tumelty,
Boyd, R.,	Hartman,	Phillips,	Turner,
Boyer,	Hefferon,	Roan,	Van Sickle,
Brennan,	Hetrick,	Schrock,	Wall,
Brownfield,	Hoffner,	Schrope,	Weidemann,
Brumbaugh,	Horst,	Schwab,	Welliver,
Castor,	Jones,	Shortz,	Welsh,
Coakley,	Kane,	Shreiner,	White,
Cochran,	Kelso,	Siegel,	Wickersham,
Coleman,	LaRue,	Simon,	Winner,
Conner,	Longaker,	Simpson,	Witkin,
Cordier,	Lynch,	Sinwell,	Wood,
Davies,	Male,	Sloan,	Woodside,
Decker,	Mallen,	Smith, W. G.,	Yeakel,
Denning,	Mason,	Snyder, F. E.,	Zimmerman,
Downey, G. E.,	McCreary,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 775.

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PETITION

The SPEAKER laid before the House the following petition which was read by the Clerk:

EMPLOYMENT

A petition from residents of the City of Philadelphia addressed to Mr. Ominsky favoring passage of House Bill No. 884.

Referred to the Committee on State Government.

HOUSE BILL No. 1199 MADE A SPECIAL ORDER

Mr. WEISS. Mr. Speaker, I move that House Bill No. 1199 Printer's No. 865 entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; requiring appeals heretofore taken to the courts of common pleas to be filed directly with the Superior Court and conferring jurisdiction upon such court to hear such appeals; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurors; conferring certain duties upon the prothonotary of the Superior Court, and certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act.

on page 19 of today's calendar, bills on third reading be made a special order of business on third reading and final passage at 5.00 P. M.

The motion was agreed to.

RESOLUTION

RECALLING HOUSE BILL No. 1156 FROM THE GOVERNOR

Mr. TRONZO offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 30, 1935.

Resolved (if the Senate concur), that House Bill No. 1156, Printer's No. 700, entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies hereto fore payable into any other funds organiations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Banking will meet immediately after this morning's session in room 323.

The Committee on Corporations will meet immediately after this morning's sessions in room 323.

The Committee on Counties will meet immediately after this morning's session in room 521.

The Committee on Judiciary Local will meet immediately after this morning's session in room 325.

The Committee on Labor will meet immediately after this morning's session in room 325.

The Committee on Judiciary Special will not meet today.

All members of the Highway Committee attending the public hearing in the Farm Show Building are requested to be at the main entrance to the Capital at 2:30 P. M. Cars will provide transportation.

The Committee on Education will meet tomorrow at 9:15 A. M. in room 326.

The Committee on Insurance will meet tomorrow at 10:00 A. M. in room 325.

The Committee on State Government will meet tomorrow at 10:00 A. M. in room 323.

The Committee on Fisheries will meet tomorrow at 9:30 A. M. in room 521.

The Committee on Boroughs and Townships will meet tomorrow at 10:30 A. M. in room 326.

The Committee on Counties will meet tomorrow at 10:30 A. M. in room 324.

The Committee on Municipal Corporations will meet immediately after tomorrow morning's session in room 324.

The Committee on Municipal Corporations will hold a public hearing on House Bill No. 370, tomorrow at 2:30 P. M. in the Hall of the House.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:30 P. M. Are there objections? The Chair hears none and declares a recess until 4:30 P. M.

AFTER RECESS

The House reconvened at 4:30 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 195.

An Act to further amend section seven hundred four of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the use of dogs in hunting bear or the chasing of bear by dogs

HOUSE BILL No. 852.

An Act to amend section ninety-eight of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the island waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the purchase sale and exposing for sale of certain pike and fillets thereof

HOUSE BILL No. 885.

An Act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand thirteen) entitled "An act regulating the issuance of licenses to marry prohibiing the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" by requiring three days to elapse between the application for and the issuance of the license

HOUSE BILL No. 1093.

An Act to amend section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled "An act providing for the licensing and registration of of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river withi nthe Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as added changing the licensure year for motor boats

HOUSE BILL No. 1153.

An Act to further amend section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants

HOUSE BILL No. 1236.

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing certain exemptions from the payment of fees provided for therein.

HOUSE BILL No. 1383.

An Act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and over and terminer in counties of the second class

HOUSE BILL No. 1476.

An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended changing the number of trout allowed to be caught in one day

HOUSE BILL No. 1699.

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor

HOUSE BILL No. 1806.

An Act to further amend section two hundred twenty-four of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fiish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued

HOUSE BILL No. 1807.

An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted

HOUSE BILL No. 1885.

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York

Whereupon,

The Speaker, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1152.

An Act to amend section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by providing further exceptions to the tax on transient merchants.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, line 1, by striking out after the word "section" the following "two thousand six hundred and eleven and" also line 8 after the word "by" by striking out the following "further equalizing license taxes on residents and non-residents and"

Amend section one line 4 strike out after the word "eleven" and insert in lieu thereof "twenty-one" amend sections one and two page 2 line 4, by striking out after the word "thereto" the following

"is hereby amended to read as follows

Section 2611 Equality of Residents and Nonresidents No city shall levy or collect under the provisions of any ordinance heretofore or hereafter enacted any license tax or fee upon or from any manufacturer or the agent representative or employe of any manufacturer who is a resident of the Commonwealth for soliciting orders for or for selling any goods merchandise or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer or the agent representative or employe of any manufacturer who is a nonresident of the Commonwealth for soliciting orders for or for selling any goods merchandise or wares manufactured without the Commonwealth nor shall a city impose and collect any license tax from any person having an established place of business any where in this Commonwealth and doing business in such city unless a like license tax is imposed upon and collected from residents of such city engaged in a similar business

Section 2 That section two thousand six hundred and twenty-one of said act"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eroe,	Mallen,	Shepard,
Alexander,	Falkenstein,	Mason,	Shortz,
Allen,	Ferko,	McCreary,	Shreiner,
Altenburg,	Finnerty,	McDermott,	Shugarts,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stone,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Terry,
Brownfield,	Hartman,	Parks,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, C.,	Trout,
Burke,	Hermansen,	Patterson, J. W.,	Tumelty,
Cannon,	Hetrick,	Pearson,	Turner,
Caputo,	Hindman,	Perry,	Van Allsburg,
Carr,	Hirsch,	Peters,	Van Sickle,
Carson,	Hoffner,	Pfaff,	Walker,
Castor,	Holstrom,	Phillips,	Wall,
Chervenak,	Hoopes,	Piole,	Wasserman,
Coakley,	Horst,	Powers,	Weidemann,
Cochran,	Jackson,	Reising,	Weiss,
Cohen,	Jones,	Reynolds,	Welliver,
Coleman,	Kane,	Rhys,	Welsh,
Condon,	Kelder,	Roan,	Westrick,
Conner,	Kelso,	Robinson,	White,
Coolahan,	Kilroy,	Rooney,	Wickersham,
Cordier,	Kinney,	Root,	Wilson,
Davies,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurrd in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1151.

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and non-residents and providing further exception to the tax on transient merchants

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the word "sections" and inserting in lieu thereof the word "section"; also by striking out after the word "one" the words "and two thousand nine hundred and twelve"; also in line 8, by striking out as follows: "further equalizing license taxes on residents and non-residents and"

Amend Section 1, page 1, line 4, by striking out at the beginning of said line the word "sections" and inserting in lieu thereof the word "section"; also in same line by striking out after the word "one" the words "and two

thousand nine hundred and twelve"; also on page 2, line 2, by striking out at the beginning of said line the word "are" and inserting in lieu thereof the word "is"; also on pages 2 and 3, by striking out lines 24 to 29 and on page 3, lines 1 to 14 inclusive, as follows: "Section 2912 License Fees on Residents not to Exceed those on Nonresidents It shall be unlawful for any township to impose by ordinance or exact or collect under the provisions of any ordinance heretofore or hereafter enacted any license tax or fee upon or from any manufacturer or the agent representative or employe of any manufacturer who is a resident of the Commonwealth for soliciting orders for or for selling any goods merchandise or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer or the agent representative or employe of any manufacturer who is a nonresident of the Commonwealth for soliciting orders for or selling any goods merchandise or wares manufactured without the Commonwealth nor shall a township impose and collect any license tax from any person having an established place of business anywhere in this Commonwealth and doing business in such township unless a like license tax is imposed upon and collected from residents of such township engaged in a similar business"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Gillette,	Moore,	Sowers,
Barnhardt,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Muir,	Sproul,
Blumberg,	Habbyshaw,	Munley,	Stank,
Boose,	Haberlen,	Murrin,	Stevens,
Boyd, R.,	Hagerty,	Nagel,	Stewart,
Boyer,	Haluska,	Nothnagle,	Stone,
Bradley,	Hamilton, F. P.,	O'Keefe,	Stott,
Brancato,	Hamilton, R. S.,	Ominsky,	Sumney,
Brennan,	Harkins,	O'Neill,	Surface,
Brown, H. S.,	Harmuth,	Panton,	Tahl,
Brown, J. E.,	Hart,	Parks,	Terry,
Brownfield,	Hartman,	Patterson, C.,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Trout,
Burke,	Hermansen,	Pearson,	Tumelty,
Cannon,	Hetrick,	Perry,	Turner,
Caputo,	Hindman,	Peters,	Van Allsburg,
Carr,	Hirsch,	Pfaff,	Van Sickle,
Carson,	Hoffner,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Rinn,	Welsh,
Condon,	Kelder,	Roan,	Westrick,
Conner,	Kelso,	Robinson,	White,
Coolahan,	Kilroy,	Rooney,	Wickersham,
Cordier,	Kinney,	Root,	Wilson,
Davies,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 927.

An Act to preserve the purity of the waters of the Commonwealth and to avoid the danger of fire by requiring the owners operators and lessees of abandoned bituminous coal mines and working to seal the entries and air shafts thereof and conferring powers upon the Department of Mines to carry into effect the provisions of this act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 17, by striking out after the word "act" the words: "and to collect the expense incurred by it including any damage caused thereby to the owner of the surface by suit in a court of competent jurisdiction from such owner operator or lessee"

Amend Section 3, page 2, line 29, by striking out the entire line as follows: "the cost thereof including and damage caused thereby to"; also on page 3, by striking out lines 1, 2 and 3 as follows: "the owner of the surface to be paid by the Commonwealth from appropriations made to the Department of Mines".

Amend Section 4, page 3, line 9, by inserting after the word "down" the words "or cause to be shot down"; also after the word "seal" by inserting the words "or cause to be sealed".

Amend Bill, page 3, by inserting an entire new Section 5 as follows:

Section 5 The cost of performing the work necessary to carry out the provisions of this act shall be paid by the Commonwealth from appropriations made to the Department of Mines and/or from such allotments as may be made for this purpose by the relief and/or public works authorities or agencies of the Commonwealth and/or the United States of America

Amend Section 5, page 3, line 14, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "6".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Gillette,	Moore,	Sowers,

Barnhardt,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Muir,	Sproul,
Blumberg,	Habbyshaw,	Munley,	Stank,
Boose,	Haberlen,	Murrin,	Stevens,
Boyd, R.,	Hagerty,	Nagel,	Stewart,
Boyer,	Haluska,	Nothnagle,	Stone,
Bradley,	Hamilton, F. P.,	O'Keefe,	Stott,
Brancato,	Hamilton, R. S.,	Ominsky,	Sumney,
Brennan,	Harkins,	O'Neill,	Surface,
Brown, H. S.,	Harmuth,	Panton,	Tahl,
Brown, J. E.,	Hart,	Parks,	Terry,
Brownfield,	Hartman,	Patterson, C.,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Trout,
Burke,	Hermansen,	Pearson,	Tumelty,
Cannon,	Hetrick,	Perry,	Turner,
Caputo,	Hindman,	Peters,	Van Allsburg,
Carr,	Hirsch,	Pfaff,	Van Sickle,
Carson,	Hoffner,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Rinn,	Welsh,
Condon,	Kelder,	Roan,	Westrick,
Conner,	Kelso,	Robinson,	White,
Coolahan,	Kilroy,	Rooney,	Wickersham,
Cordier,	Kinney,	Root,	Wilson,
Davies,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. SOWERS, from the Committee on Labor, reported as committed, House Bill No. 1875, entitled

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts, where such minimum wage stipulations are violated, and for the recovery of such penalties.

Mr. BLUMBERG, from the Committee on Banking, reported as committed, House Bill No. 2497, entitled

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking busines, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by providing for the licensing of secretaries of building and loan associations by the Department of Banking.

Mr. SUMNEY, from the Committee on Banking reported as amended, House Bill No. 2127, entitled

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations, associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State Departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2027, entitled:

An Act to limit the jurisdiction of courts in equity in issuing restraining orders or temporary or permanent injunctions in certain cases

And said bill having been read at length the third tmie, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—123

Achterman,	Falkenstein,	LaRue,	Sarraf,
Alexander,	Finnerty,	Linderman,	Scanlon,
Allen,	Fitch,	Long,	Schrope,
Andrews,	Flanagan,	Lovett,	Schwab,
Arnold,	Flinchbaugh,	Lynch,	Shaw,
Aukerman,	Furman,	McCreary,	Shepard,
Baine,	Gerard,	McElroy,	Shortz,
Baker, J. J.,	Greenstein,	McHenry,	Shugarts,
Barnhardt,	Haberlen,	Melchiorre,	Siegel,
Bernhard,	Hagerty,	Mentzer,	Simon,
Bradley,	Haluska,	Mooney,	Sinwell,
Brancato,	Hamilton, F. P.,	Moran,	Smith, J. A.,
Brown, H. S.,	Hamilton, R. S.,	Munley,	Smith, W. G.,
Brownfield,	Harkins,	Murrin,	Stank,
Brumbaugh,	Harmuth,	Nagel,	Stevens,
Burke,	Hartman,	O'Keefe,	Stone,
Cannon,	Hermansen,	Ominsky,	Sumney,
Caputo,	Hetrick,	O'Neill,	Surface,
Carson,	Hindman,	Panton,	Tronzo,
Coakley,	Hirsch,	Patterson, C.,	Tumelty,
Cochran,	Holstrom,	Patterson, J. W.,	Van Sickle,
Cohen,	Hoopes,	Pearson,	Walker,
Coleman,	Horst,	Pfaff,	Weiss,
Condon,	Jackson,	Piole,	Welliver,
Cordier,	Jones,	Powers,	Welsh,

Dent,	Kelder,	Reising,	Westrick,
Dilley,	Kelso,	Rinn,	Wilson,
Downey, G. E.,	Kilroy,	Robinson,	Yourishin,
Downey, J. J.,	Kinney,	Root,	Zappala,
Eberharter,	Klingler,	Ruffennach,	Sarig,
Eroe,	Kobelak,	Ruth,	

NAYS—36

Blumberg,	Habbyshaw,	Schrock,	Turner,
Boose,	Hart,	Shreiner,	Wall,
Boyd, R.,	Longaker,	Simpson,	Wickersham,
Boyer,	McDevitt,	Snyder, F. E.,	Winner,
Castor,	Merrell,	Snyder, J. L.,	Witkin,
Conner,	Moore,	Spangler,	Wood,
Duffort,	Muir,	Sproul,	Woodside,
Flynn,	Peters,	Stewart,	Yeakel,
Gillette,	Reynolds,	Trout,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. HAGERTY. Mr. Speaker, I desire to call up at this time House Bill No. 1188, Printer's No. 605, on page 29, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HAGERTY.

The House resumed the consideration on third reading of House Bill No. 1188, entitled:

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended requiring that bond be filed by political bodies filing nomination papers

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HAGERTY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, next to last line of title, by inserting after the word "by" the word: "certain"

Amend Sec. 1, page 3, line 6, by inserting after the word "affidavit" the following: "shall also state whether or not the political party represented by such signers have at that time an active organization in at least six counties, and if so, shall give the names of at least six of such counties. Such affidavit"

Amend Sec. 1, page 3, line 7, by inserting after the word "papers" the following: "representing political bodies not having active organizations in at least six counties."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 141.

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 30, 1935.

Resolved (if the Senate concur), that House Bill No. 88, Printer's No. 736, entitled "An act providing for the organization and equipment under certain conditions of two colored battalions of infantry and making an appropriation therefor," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 30, 1935.

Resolved (if the Senate concur), that House Bill No. 1156, Printer's No. 700, entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such addidtional monies as may be necessary to carry out the provisions of this act," be recalled from the Governor for further consideration.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 24, 1935.

Whereas, potatoes are one of the most important cash crops of Pennsylvania farmers and

Whereas, Pennsylvania is one of the five leading potato growing states; therefore be it

Resolved (if the Senate concur), that it is the sense of the General Assembly that the State Emergency Relief Board continue its policy of buying potatoes grown in Pennsylvania for Pennsylvania relief needs.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 284.

An Act granting power to counties cities boroughs towns townships school districts and poor districts to redee munmatured bonds and obligations by a new issue of bonds at a lesser rate of interest

HOUSE BILL No. 1064.

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers

HOUSE BILL No. 1698.

An Act to amend sections three five seven eight ten twelve and thirteen of and to add section fifteen A to the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

HOUSE BILL No. 247.

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners

HOUSE BILL No. 1865.

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

With the information that the Senate has passed the same without amendment.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The Chair lays before the House the special order on third reading and final passage fixed for this time, House Bill No. 1199, Printer's No. 865, on page 19, of today's calendar.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1199, as follows:

An act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by making the present schedules of compensation compulsory upon all employers changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second inuries and for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of June one thoussand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended are hereby re-enacted amended or further amended as the case may be as follows

AN ACT

Defining the liability of an employer to pay damages for injuries received by an employe in the course of or resulting from employment establishing [an elective] a compulsory system and schedule of compensation [and] providing procedure for the determination of liability and compensation thereunder and prescribing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Article I Interpretation and [definition] definitions

Article II Defining the liability of an employer in an action at law for damages for personal injury to an employe and abolishing in whole or in part certain defenses thereto

Article III Establishing a system of compulsory compensation [by agreement prescribing the method by which such agreement shall be made and terminated] defining the injuries for which compensation is payable the person to whom it is payable its amount and the condition under which and the manner in which it is payable

Article IV Providing a procedure for the determination and settlement of claims for compensation

Article V General Provisions

ARTICLE I

INTERPRETATION AND [DEFINITION] DEFINITIONS

Section [1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same] 101. That this act shall be

called and cited as The Workmen's Compensation Act [of one thousand nine hundred and fifteen] and shall apply to all accidents occuring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident ocurring outside of the Commonwealth except to accidents occurring to State employes outside the Commonwealth while such employes are engaged in duly authorized business of the [State] Commonwealth and except accidents occurring to Pennsylvania employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "employer" as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes [all]

(a) All natural persons including minors who perform services of any kind including agricultural services or domestic service for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer

(b) All members or employes of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended or while performing any other duties for such companies

Section 105 The term "contractor" as used in article two section two hundred and three [and article three section three hundred and two (b)] shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than the employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sublet any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term ["Bureau"] "Department" when used in this act shall mean [the Bureau of Workmen's Compensation of] the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean the Workmen's Compensation Board [of the Bureau] of this Commonwealth

Section 108 For the purpose of this act minors shall have the same power to contract make settlements file claims for compensation and receive compensation as adult employes subject however to the power of the board in its discretion at any time to require the appointment of a guardian to make a settlement or to receive moneys thereunder or under an award for the benefit of any such minor Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation

ARTICLE II

DAMAGES BY ACTION AT LAW

Section 201 That in any action brought to recover damages for personal injury to an employe in the course of or resulting from his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe had assumed the risk of the injury or

(c) That the injury was caused in any degree by the negligence of such employe unless it be established that the injury was caused by such employe's intoxication or by his reckless indifference to danger The burden of proving such intoxication or reckless indifference to danger shall be upon the defendent and the question shall be one of fact to be determined by the jury

Section 202 The employer shall be liable for the negligence of all employes while acting within the scope of their employment including engineers chauffeurs miners mineforemen fire-bosses mine superintendents plumbers officers of vessels and all other employes licensed by the [State] Commonwealth or other governmental authority if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes and property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe

Section 204 No agreement composition or release of damages made before the [happening] date of any accident [except the agreement defined in article three of this act] shall be valid or shall bar a claim for damages for the injury and any such agreement [other than that de the injury resulting therefrom and any such agreement [other than that defined in article three herein] is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

ARTICLE III

[ELECTIVE] COMPULSORY COMPENSATION

Section 301 A [When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for] In the case of personal injury to or [for] the death of [such] any employe by an accident [in the course of his employment] which happens either in the course of his employment or which if not in the course of his employment results from his employment compensation shall be made in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and [six] four and three hundred and [seven] five of this article provided that no fection as naturally results therefrom and wherever death [be] is intentionally self-inflicted but the burden of proof of such fact shall be upon the employer

B The right to receive compensation under this act shall not be affected by the fact that a minor is employed by his parent or parents or is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his employment by misrepresenting his age or that any minor or other employe on account of

whose injury or death the benefits are claimed was violating any law or rule or regulation of the business or industry or a positive order of the employer at the time of the injury except that no minor or employe shall be entitled to receive compensation under this act who at the time of injury was engaged in the commission of a felony

C The terms "injury" and "personal injury" as used in this act shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and wherever death is mentioned as a cause for compensation under this act it shall mean only death resulting from such violence and its resultant effects and occurring within [three] five hundred weeks after the accident The term "injury by an accident which happens either in the course of his employment or which if not in the course of his employment results from his employment" as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is [actually] engaged in the [furtherance of the] business or affairs of the employer whether upon the employers premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's biusness or affairs ore being carried on the employe's presence thereon being required by the nature of his employment

Section 302 [(a) In] The provisions of this act shall apply to every contract of hiring made after [December thirty-first one thousand nine hundred and fifteen] the effective date of this act and [in] to every contract of hiring renewed or extended by mutual consent expressed or implied after said date [it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making re n wal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the Bureau within ten days after such service and before any accident has occurred Every] and to every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before [December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to th provisions of article three hereof unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the Bureau a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligations of any contract now in force In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough or town-ship therein or for any other officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the prosions of this article to any employe of the State or of such governmental agency] the effective date of this act

[(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the Bureau within ten days thereafter and before any accident has occurred a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and premises occupied by or under the control of such emafter December thirty-first one thousand nine hundred and fifteen any such laborer or assistant who shall enter upon premises occupied by or under the control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of ployer for the purpose of doing such work shall be conaction under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter and before any accident has occurred there shall have been filed with the Bureau a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed]

[Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal represenatives and the employe his or her wife or husband widow or widower next of kin and other dependents]

[Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon sixty days' notice to the other in writing if a copy of such notice with proof of service be filed in the Bureau as provided in section three hundred and two of this article]

Section [305] 303 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the [Bureau] department from such insurance An employer desiring to be exempt from insuring his liability for compensation shall make application to the [Bureau] department showing his financial ability to pay such compensation whereupon the [Bureau] department if satisfied of the applicant's financial ability shall [by written order make] upon the deposit under a collateral trust agreement of bonds or other obligations of the United States or of this Commonwealth or of any other State or of any political subdivision of this Commonwealth or of any other State which are satisfactory to the department in such amount as shall be prescribed by the department except that such bonds or obligations shall be in sufficient amount to cover such employer's entire outstanding incurred liability for compensation if any and upon the payment of a fee of one hundred dollars ($100) issue to the applicant a permit authorizing such exemption Whenever an application for an exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire

and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of one hundred dollars ($100) The [Bureau] department may from time to time require further statements of the financial ability of such employer and if at any time it should appear to the department that such employer [appear] is no longer able to pay compensation or has failed to pay compensation claims promptly as provided in this act or has occasioned unnecessary delay in the hearing or trial of the compensation claims of his employes or has by his failure to obey the provisions of this act or the rules or regulations of the department materially hindered the proper administration of this act the department shall revoke its [order] permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in a mutual association or company as aforesaid

Every employer liable under this act to pay compensation shall post and maintain in a conspicious place in and about his place of business a notice that he has secured the payment of compensation to his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If an employer liable under this act to pay compensation shall fail to secure the payment of compensation for his employes and their dependents as provided in this section the injured employe or his legal representative in case death results from the injury may at his option elect to claim compensation under this act or to maintain an action in the courts for damages on account of such injury In such an action it shall not be necessary to plead or prove freedom from contributory negligence nor may the defendant plead as a defense that the injury was caused by the negligence of a fellow employe nor that the employe assumed the risk of his employment nor that the injury was due to the contributory negligence of the employe

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing an exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for compensation such employer [shall be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall for every such failure or false or fraudulent statement [shall] be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than [five] three hundred dollars [($500)] ($300) and costs of prosecution and upon failure to pay such fine and costs shall be sentenced to undergo [or] imprisonment for a period of not more than [six] three months [or both at the discretion of the court] Every day's violation shall constitute a separate offense It shall be the duty of the [bureau] department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof All [fines] fees collected received or recovered under the provisions of this section shall be paid [by the clerk of the court] to the [bureau] department and by it paid into the State Treasury through the Department of Revenue

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

The department by appropriate proceedings also shall have the power to enjoin any employer from transacting business unless and until such employer shall have complied with this section

For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated

Section [306] 304 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) [For the first five hundred weeks after] After the seventh day of total disability sixty-five per centum of the wages of the injured employe as defined in section three hundred and [nine] seven but the compensation shall not be more than [fifteen] twenty-five dollars per week nor less than [seven] twelve dollars per week [and shall not exceed in aggregate the sum of sixty-five hundred dollars] Provided That if at the time of injury the employe receives wages of less than twelve dollars per week then he shall receive the full amount of such wages per week as compensation Provided That if total disability shall continue for a period of three weeks or more the employe also shall be entitled to receive compensation for the first seven days of total disability Nothing in this clause shall require payment of compensation after disability shall cease [Should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c)) sixty-five per centum of the difference between the wages of the injured employe as defined in section three hundred and [nine] seven and the earning power of the employe thereafter but such compensation shall not be more than [fifteen] twenty-five dollars per week This compensation shall be paid during the period of such partial disability [not however beyond three hundred weeks] after the seventh day of [such partial] disability [Should total disability be followed by partial disability the period of three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for such total disability] Provided That if the partial disability shall continue for a period of three weeks or more the employe shall also be entitled to receive compensation for the first seven days of partial disability In cases of partial disability the actual earnings of an employe after the date of injury may along with other evidence be received as evidence of the extent of his earning power but if such employe has no such earnings the referee may in the interest of justice fix such earning power as shall be reasonable but not in excess of sixty-five per centum of his prior wages as defined in section three hundred and seven having due regard to the character of his previous employment and the nature of his injury and his partial disability

(c) For all partial disability resulting from permanent injuries of the following classes the compensation shall begin upon the termination of total disability if any total disability resulted from the inury and or upon the termination of partial disability compensable under sub-section (b) of this Section in excess fifteen per centum of wages and shall be paid in addition to the compensation paid for such total disability and shall be [exclusively] as follows

For the loss of a hand [sixty-five] fifteen per centum of wages [during one hundred and seventy-five weeks] for life

For the loss of an arm [sixty-five] fifteen per centum of wages [during two hundred and fifteen weeks] for life

For the loss of a foot [sixty-five] fifteen per centum of wages [during one hundred and fifty weeks] for life

For the loss of a leg [sixty-five] fifteen per centum of wages [during two hundred and fifteen weeks] for life

For the loss of an eye or for the removal of a cataract from or lense of an eye causing the loss of binocular vision [sixty-five] fifteen per centum of wages [during one hundred and twenty-five weeks] for life

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute permanent total disability to be compensated according to the provisions of clause (a)

For the loss or the permanent loss of the use of any two or more such members not constituting permanent total disability the aggregate of the percentage of wages specified above for each for life

Amputation between the wrist and the knuckles shall be considered as the equivalent of the loss of a hand and amputation between the toes and the ankle shall be considered as the equivalent of the loss of a foot Amputation above the wrist shall be considered as the loss of an arm and amputation at or above the ankle shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye toe finger or thumb for industrial purposes shall be considered as the equivalent of the loss of such hand arm foot leg eye toe finger or thumb

For the loss of a thumb or great toe sixty-five per centum of wages during sixty weeks

For the loss of a first toe or a first finger commonly called index finger sixty-five per centum of wages during thirty-five weeks

For the loss of a second toe or finger sixty-five per centum of wages during thirty weeks

For the loss of a third toe or finger sixty-five per centum of wages during twenty weeks

For the loss of a fourth toe or finger commonly called little finger sixty-five per centum of wages during fifteen weeks

The loss of less than the first phalange of the thumb or of any finger shall be considered equivalent to the loss of one-half of such thumb or finger and shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger provided however that the accident involves injury to part of the bone of the phalange

The loss of [more than] one phalange or more of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger

For the loss of any two or more [such members] fingers or the permanent loss of the use of [the hand arm foot leg or eye as hereinbefore provided not constituting total disability] such fingers sixty-five per centum of wages during the aggregate of the periods specified for each

For serious and permanent disfigurement of the head or face of such a character as to produce an unsightly appearance and such as is not usually incident to the employment sixty-five per centum of wages not to exceed one hundred and fifty weeks

[Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability to be compensated according to the provisions of clause (a)

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot Amputation at or above the elbow shall be considered as the loss of an arm and amputation at or above the knee shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye finger or thumb shall be considered as the equivalent of the loss of such hand arm foot leg eye finger or thumb]

This compensation shall not be more than [fifteen] twenty-five dollars per week [nor less than seven dollars per week Provided That if at the time of injury the employe receives wages of less than seven dollars per week then he shall receive the full amount of such wages per week as compensation]

(d) No compensation shall be allowed for the first seven days after disability begins except as [hereinafter] provided in [clause] clauses (a) (b) and (e) of this section

(e) During the first [thirty days] six months after [disability begins] the date of inquiry and during such further period as the board may in the manner hereinafter provided require in a particular case the employer shall furnish reasonable surgical [and] medical dental and nursing services hospital treatment artificial appliances medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer Provided That the injured employe may at the expense of his employer not in excess of five dollars consult a physician of his own choice or upon written request to the board or a referee designated by the board and notice to the employer may be printed by the board to consult a physician of his own choice at any time during his disability the cost of such consultation to be paid by the employer in accordance with a schedule of charges to be prescribed and approved by the board Any such request shall be acted upon promptly either with or without a hearing and shall have preference over any other matter or proceeding pending before the board or the referee Upon the application of an injured employe the board may issue its order requiring the employer to furnish such further services hospital treatment medicines artificial appliances or supplies during such further period after the six months period as the board may in the interest of justice deem advisable In all cases where the employer's physician advises the injured employe that no further medical services are required he shall furnish the injured employe with a certificate to this effect [The cost of such services medicines and supplies shall not exceed one hundred dollars ($100)] If the employer shall upon application made to him refuse to furnish such services hospital treatment appliances medicines and supplies the employe may procure the same and shall receive from the employer the reasonable cost thereof [within the above limitations In addition to the above services medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of thirty days The cost for such hospital treatment service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals] If the employe shall refuse [reasonable surgical medical and hospital] such services hospital treatment appliances medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal The employer shall also furnish to the employe or pay the cost of transportation to and from the place where such services are rendered and reimbursement for such costs assumed by the employe may be enforced as payments of compensation are enforced

(f) Should the employe die as a result of the injury the period during which compensation shall be payable to his dependents under section three hundred and [seven] five of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial Should the employe die from some other cause than the injury the liability for compensation shall cease

[(g) Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless conclusive proof is offered that the hernia was immediately precipitated by such sudden effort or severe strain that first the descent of the hernia immediately followed the cause second there was actual pain in the hernial region third the above manifestations were of such severity that the same were immediately noticed by the claimant and communicated to the employer or a representative of the employer within forty-eight hours after the occurence of the accident]

(g) If an employe receives an injury compensable under this act which of itself would not cause permanent total disability but which combined with a previous major permanent injury does in fact cause permanent total disability or if an employe who has previously suffered a major permanent injury receive an injury compensable under this act which of itself is a permanent injury or which either causes permanent total disability or results in the death of such employe compensation for such further permanent injury total disability or death shall be paid out of the moneys to the credit of the second injury reserve account hereinafter created by this act in the State Workmen's Insurance Fund as follows

(1) In the case of further permanent injury not resulting in total disability either of itself or in combination with any prior major permanent injury the amount provided by clause (c) of this section for the particular type of the later permanent injury

(2) In the case of total disability resulting either from the later injury of itself or from such injury combined with any prior major permanent injury an amount equivalent to the difference between the compensation payable for any prior major permanent injury and the amount payable for total disability under clause (a) of this section

(3) In the case of death resulting from the later injury or from a combination of any prior major permanent injury and the later injury the amount payable under section three hundred five of this act in cases of death

The employer of any such employe shall be responsible for compensating the injured employe for the second injuries and in the manner prescribed in this sub-section but shall be relieved from the payment of compensation to such employe to the extent such compensation is paid under this subsection out of the second injury reserve account of the State Workmen's Insurance Fund

Such employer in order to obtain the benefits of this subsection shall file with the board a petition of agreed facts in the manner provided in section four hundred eleven of this act and thereafter the procedure shall be the same as in other cases except that the board may in its discretion act on such petition without a hearing

For purposes of this subsection a "major permanent injury" shall mean all permanent injuries set forth in clause (c) of Section three hundred four exclusive of loss or loss of use of one or more fingers or toes not amounting to loss of or loss of use of hand or foot

Section [307] 305 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

(a) If there be either one or two children [thirty-three] thirty per centum of wages of deceased but not in excess of [seven] twenty-five dollars [and fifty cents] per week

(b) If there be three children [forty-four] forty-five per centum of wages of deceased but not in excess of [ten] twenty-five dollars per week

(c) If there be four children [fifty-five] sixty per centum of wages of deceased but not in excess of [twelve] twenty-five dollars [and fifty cents] per week

(d) If there be five or more children [sixty-two and one-half] sixty-five per centum of wages of deceased but not in excess of [fourteen] twenty-five dollars per week

[(e) If there be six or more children sixty-five per centum of wages of deceased but not in excess of fifteen dollars per week]

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [ten] twenty-five dollars per week

3 To the widow or widower if there be one child [fifty-five] fifty-nine per centum of wages but not in excess of [twelve and a half] twenty-five dollars per week

4 To the widow or widower if there be two or more children [sixty-two and one-half] sixty-five per centum of wages but not in excess of [fourteen] twenty-five dollars per week

[4½ To the widow or widower if there be three or more children sixty-five per centum of wages but not in excess of fifteen dollars per week]

5 If there be neither widow widower nor children entitled to compensation or if the widow widower or children are not receiving the maximum compensation payable under this act then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of [five] twelve dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be conclusively presumed and provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of [ten] seventeen dollars per week but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of twenty-five dollars per week in any one case

6. If there be neither widow widower children nor dependent parent entitled to compensation or if the widow widower children or dependent parents are not receiving the maximum compensation payable under this act then to the brothers and sisters until the age of eighteen if actually dependent to any extent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of twenty-five dollars per week in any one case

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding one hundred and fifty dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother and sister is under the age of [sixteen] eighteen unless such child brother or sister is dependent by reason of mental or physical disability in which case such compensation shall be paid to or on account of such child brother or sister until he or she reaches the age of eighteen or for five hundred weeks which ever is the longer period No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him for support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis if members of decedent's household at the time of his death and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow other than a nonresident alien widow the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case be taken to exceed [twenty-four] thirty-nine dollars per week nor be less than [twelve] eighteen dollars and fifty cents per week

This compensation shall be paid during [three] five hundred weeks and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of [three] five hundred weeks until such child reaches the age of [sixteen] eighteen at the rate of [seventeen and one-half per centum of wages but not in excess of three dollars and seventy-five cents per week if there be one child twenty-seven and one-half] thirty per centum of wages but not in excess of [six dollars and twenty-five cents] ten dollars per week if there be one or two children [thirty-eight and one-half] forty-five per centum of wages but not in excess of [eight dollars and seventy-five cents] twelve dollars per week if there be three children [fifty] sixty per centum of wages but not in excess of [eleven dollars and twenty-five cents] fifteen dollars per week if there be four children and [fifty-five] sixty-five

per centum of wages but not in excess of [twelve] seventeen dollars and fifty cents per week if there be five children or more [and sixty per centum of wages but not in excess of thirteen dollars and seventy-five cents per week if there be six children or more] The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section [308] 306 Except as hereinafter provided all compensation payable under this article shall be payable in periodical instalments as the wages of the employe were payable before the accident

All compensation payable under this article shall be paid only to employes or their dependents or their guardian or such other persons as may be designated by the board

Every employer or his insurance carrier shall file promptly with the department an original standard check voucher receipt in such form as shall be prescribed by the department for each payment of compensation made under this act

Any person copartnership association or corporation who or which violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay for each violation a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00)

Section [309] 307 Wherever in this article the term "wages" is used it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident [and] except that in the case of a minor permanently disabled the term "wages" shall be construed to mean the probable earning power such minor would have had at the age of twenty-one under normal conditions The term "wages" shall not include gratuities received from the employer or others nor shall it include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe but shall include board and lodging received from the employer Whenever the employe receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day for the purpose of computing wages In seasonable occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far to give a basis for the fair ascertainment of his average weekly earnings In continuous employments if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employe his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer Provided however That if the employe regularly and habitually worked more than five and one-half days per week the weekly wage shall be found by multiplying his average earnings for working day by six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employe is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation

In cases where the employe has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature of terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employe

Section [310] 308 Compensation under this article to alien dependent widows and children not residents of the United States shall be two-thirds of the amount provided in each case for residents and the employer may at any time commute all future instalments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and [sixteen] fourteen of this article Alien widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

Non-resident alien dependents may be officially represented by the Consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the Consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipt of such Consular officers shall be a full discharge of all sums paid to and received by them.

Section [311] 309 Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employe or some one in his behalf or some of the dependents or some one in their behalf shall give notice thereof to the employer within [fourteen] thirty days after the accident no compensation shall be due until such notice be given or knowledge obtained but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental inability or to fraud misrepresentation or deceit or to any other reasonable cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice [and unless such knowledge be obtained or notice given within ninety days after the occurrence of the injury no compensation shall be allowed] It shall be presumed that the employer had notice of any injury within the period prescribed in this section and the burden of proof shall be upon the employer to show otherwise

Section [312] 310 The notice referred to in section three hundred and [eleven] nine hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the ( ) day of ( ) Anno Domini ( ) and that compensation will be claimed therefore

Date Signed ( )

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name received an injury the character of which is described in ordinary language in the course

of or resulting from his employment on or about a time specified and at or ne r a place specified

Section [313] 311 The notices referred to in section [three hundred and two and section] three hundred and [eleven] nine hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Knowledge of the occurrence of the injury on the part of any of said agents shall be the knowledge of the employer

Section [314] 312 At any time after an injury the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section [315] 313 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] two years after the accident the parties shall have agreed upon the compensation payable under this article or unless within [one year] two years after the accident one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [one year] two years after the date of death the parties shall have agreed upon the compensation under this article or unless within [one year] two years after the date of death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case or an employer has failed to report to the department the occurrence of an injury to his employe as required by law said limitations shall not take effect until the expiration of [one year] two years from the time of the making of the last payment or the filing of such report as the case may be

Section [316] 314 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests disregarding the probability of the beneficiary's death upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherewise disposed of the whole or the greater part of his business or assets Except as provided in section three hundred and [ten] eight hereof and in this section no commutation of compensation shall be made

Any person partnership association or corporation who or which shall commute or attempt to commute any compensation directly or indirectly in violation of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or to undergo imprisonment for a period of not more than six (6) months or both in the discretion of the court

Section [317] 315 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this [State] Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employe or the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipt of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted In the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employe or the dependents of the deceased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representatives

Section [318] 316 The right of compensation granted by this article of this act shall have the same preference (without limit of money) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claim of creditors and from levy execution or attachment which exemption may not be waived

Section [319] 317 Where a third person is liable to the employe or the dependents for the injury or death the employer shall be subrogated to the right of the employe or the dependents against such third person but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Section [320] 318 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provisions of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employe shall be double the amount that would be payable to such minor if legally employed but such additional compensation shall not exceed that provided for in case of legal employment may be referred to as "additional compensation"

(b) The employer and not the insurance carrier shall be liable for the additional compensation Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and

payable It shall be deposited subject to the approval of the board in any savings bank trust company or life insurance company in good standing and authorized to do business in this [state] Commonwealth

Where the amount of the future payments of compensation is uncertain the board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer The amount may be redetermined by the board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same Upon determination of the amount due it shall be deposited as above provided Payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made Provided however That the board may in its discretion and upon inquiry as in cases of commutation accelerate such payments

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the [Bureau] department from the necessity of carrying insurance

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein

[(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act is an amendment in the manner prescribed by section three hundred and two of said act they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right or remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described]

Section 321 (a) In the case of an employe who dies as the result of an injury received in the course of or resulting from his employment and who leaves no dependents entitled to receive not in excess of five hundred dollars compensation under this act the employer or his insurance carrier as the case may be shall pay the sum of one thousand dollars $1,000) to the department In order to enforce payment of such sum the department shall have power to file with the board a claim for the same in like manner as any claim for compensation may be filed under this act

(b) One-fourth of any amount received under this section by the department shall be paid by it into the Federal Rehabilitation Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the industrial rehabilitation account All moneys credited to the industrial rehabilitation account are hereby appropriated to the department for all expenses incurred by the department under the rehabilitation laws of this Commonwealth for the rehabilitation of injured employes who are entitled to compensation under this act and who are as a result of their injuries totally or partly incapacitated for remunerative employment in the line of employment they were employed at the time of injury

(c) The remaining three-fourths of any amount received by the department under this section shall be paid by it into the State Workmen's Insurance Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the second injury reserve account All amounts credited to the second injury reserve account are hereby appropriated to the department for the payment of the compensation provided in Clause (g) of section three hundred and four of this act

Whenever at the end of any fiscal year of the Commonwealth the total amount credited to the second injury reserve account shall exceed a sum equivalent to three times the average annual incurred liability of the account to employes or their dependents during the three preceding fiscal years the surplus amount shall upon requisition of the department be transferred to the Federal Rehabilitation Fund and credited to the industrial rehabilitation account in such fund All amounts so transferred shall be available and are hereby appropriated to the department for the same purposes for which moneys credited to such account are appropriated by subsection (b) of this section

ARTICLE IV
PROCEDURE

Section 401 The term "Referee" when used in this article shall mean Workmen's Compensation Referee

The term "Fund" when used in this article shall mean the State Workmen's Insurance Fund of this Commonwealth

The term "employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the fund of the employer be insured therein

Section 402 All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board All petitions shall be in writing and in the form prescribed by the board

Section 403 All petitions all copies of agreements for compensation and all [other] papers requiring action by the board shall be mailed or delivered to the [bureau] department at its principal office

Section 404 The [bureau] department shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee awards or disallowances of compensation or modification thereof and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board

Section 405 Immediately upon receiving from the board or any referee [any approval or disapproval of any agreement for or] any award or disallowance of compensation or any modification thereof or any other decision the [bureau] department shall serve a copy thereof on all parties in interest

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such other manner as the board shall direct For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and addressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act

The [bureau] department [the secretary] and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest

Section 407 On or after the [tenth] seventh day after any accident shall have occurred the employer and employe or his dependents may agree upon the compensation payable to the employe or his dependents under this act but any agreement made prior to the [tenth] seventh day after the accident shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void It shall be unlawful for any employer to accept a receipt showing the payment of compensation when in fact no such payment has been made

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest

It shall be unlawful for any employer to procure or to cause to be procured the signature of any employe or of the dependents of any employe or of other persons in interest to any agreement or supplemental agreement which is not complete in every material respect and any

employer so doing shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars ($100) for each offense

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any injured employe of whatever age or by any dependent to whom compensation is payable under section three hundred and [seven] five and who has attained the age of sixteen years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the [board] department of the incapacity of an injured employe has increased decreased recurred or temporarily or finally terminated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and an employe or his dependents as provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the [board] department within thirty days after execution by the claimant It shall be the duty of the [board] department to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employe together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Whenever an agreement or a supplemental agreement is disapproved by the department the employer shall pay to the employe compensation on the basis of such agreement to such extent as the agreement would if approved require compensation on the basis of such agreement shall be paid until such time as the employer's liability for compensation is finally determined under the provisions of this act Any payments made by an employer in accordance with such agreement shall discharge pro tanto his liability for such compensation as may be subsequently determined to be due the employe under the provisions of this act

An employer who shall fail to mail or deliver to the department two copies of any agreement or supplemental agreement within thirty days after such agreement or supplemental agreement is executed by the claimant shall upon conviction thereof in a summary preceeding be sentenced to pay a fine of twenty-five dollars ($25.00) for each such failure

Section 410 If after any accident the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents or the department for and on behalf of such employe or his dependents whenever an agreement or supplemental agreement has been disapproved by the department or it shall otherwise deem it to be in the interests of justice to do so may present a claim for compensation to the board All allegations contained in the claim petition must be separately and specifically admitted or denied by the defendant Claimant shall have a right upon a petition to the referee and his order thereon to inspect the premises where the claimant alleges the injury was received

Whenever any claim for compensation is presented to the board other than claims of nonresident alien dependents and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum beginning fourteen days after the date of the accident and such interest shall be payable to the same persons as the compensation is payable.

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependent shall on or after the [tenth] seventh day after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefor to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party or by the department with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was procured prior or subsequent to the effective date of this act by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed [Provided That except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated during the time such agreement or award has to run if for a definite period and except in the case of eye injuries no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within one year after the date of the last payment of compensation with or without an agreement]

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim-petition.

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award [in whole or] to such extent as the facts alleged in the petition would if proved require except that the filing of a petition relative to a change in the disability of an injured person shall not act as a supersedeas unless such petition contains an affidavit by a physician that he has examined the claimant a percentage estimate of the extent of disability according to a schedule which shall be fixed by the board and that the petitioner in his opinion is entitled to the relief prayed for in the petition

Section 414 Whenever a claim-petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing Provided however That petitions presented under section four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board

The [secretary] department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original

petition to such referee together with copies of the notices served upon the adverse parties

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or may reassign it to any other referee Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assignd to a referee an answer in the form prescribed by the board

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition Such hearing shall not be less than five nor more than fourteen days after the mailing of notice thereof by the referee The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearing such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require the findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a rehearing

Section 419 The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original referee

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer The board or referee with the consent of the board [may] shall whenever it shall be deemed in the interest of justice to do so appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such

The board shall fix the compensation of such physicians surgeons and experts which when so fixed [shall be paid out of the sums appropriated to the Department of Labor and Industry for the maintenance of the department and] shall be taxed as part of the costs of the proceedings [to be repaid to such department by either party or both as the board may direct If any sum so taxed shall not be paid by the party directed to repay the same may be collected as costs are now collectible] and shall be paid by the employer to the physician surgeon or expert If any employer shall fail to pay such cost promptly the physician surgeon or expert may proceed to collect the same in the manner provided in this act for the collection of awards of compensation

Section 421 All hearings before the board or one or more members thereof or before a referee shall be public

The official stenographic notes taken at a hearing shall be transcribed and a copy thereof furnished to the employer and the claimant the cost of which shall be taxed as a cost of the proceedings and shall be paid by the employer If any sum so taxed is not paid by the employer the same may be collected as costs are now collectible

The board or a referee shall assess against each employer or claimant five dollars ($5.00) for each postponed or continued hearing held at the request of such employer or claimant but may if it shall be deemed to be in the interest of justice to do so waive any such amount assessed against any claimant

Section 422 Neither the board nor any of its members nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon competent evidence

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Section 423 Any party in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) That the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committed any other error of law (2) that the findings of fact and award or disallowance of compensation was unwarranted by the evidence or was procured by fraud coercion or other improper conduct of any party in interest The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as hereinbefore provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so found by it may require

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon The board shall fix a time and place for such hearing and shall serve notice thereof on

As soon as may be after any such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing

de novo before the board or one or more of its members or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation If the board shall grant a hearing de novo it shall fix a time and place for same and shall notify all parties in interest

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act

Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county [return day of any appeal to the Superior Court] of this Commonwealth to [whom] which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling or has sustained or reversed any action of a referee the time for taking appeals shall be suspended pending the determination of the first petition for rehearing in those cases in which such petition is filed within twenty days from notice of decision of the Workmen's Compensation Board [but such rehearing shall not be granted more than one year after the board has made such award disallowance or other order or ruling or has sustained or reversed any action of the referee] If the board shall grant a rehearing of any petition from [the board's] its action on which an appeal has been taken to and is pending in the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board [Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article]

Section 427 Any party may appeal from any action of the board on matters of law to the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the court of common pleas of any other county of this Commonwealth Such appeal must be brought within twenty days after notice of the action of the board has been served upon such party unless any court of common pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of the referee sustained by the board which he alleges to be unsupported by competent evidence

Upon filing of the notice of an appeal the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari directed to the [Workmen's Compensation Board] board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken The writ so issued shall be mailed by the prothonotary to the [bureau] department at Harrisburg together with a copy of the exceptions The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the notes of testimony

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future instalments If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that the board may order that any part of the testimony taken in the original proceedings may be considered as though taken in such further hearing

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel At the end of the period hereinafter allowed for an appeal from the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court

Any party may appeal to the Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment irrespective of the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the court of common pleas Any appeal from the action of the board to [a court of common pleas and from it to the Superior Court shall take precedence over all other civil actions The judgment of the Superior Court shall be final unless an appeal therefrom is allowed by the Supreme Court as in the cast of other judgments of [that tribunal] the Superior Court

Section 428 At any time after the approval of a compensation agreement or after an award or order has been made by the board or referee the department the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents whether then due and accrued or payable in future instalments as a judgment against the employer or other party liable under such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Whenever after an accident any employe or his dependents shall have entered into a compensation agreement with his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the court of common pleas of any county The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer If the agreement be approved by the board or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed In such cases the prothonotary shall make such modification of the record as shall be appropriate

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the board or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the court of common pleas of any county in which such judgment is on record a certified copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothonotary to modify suspend reinstate or satisfy such judgment in accordance with the terms of such supplemental agreemental agreement award or order

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved or such award made as evidenced by the aproval of the board of the award or by a certified copy thereof

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed of record in any county of this Commonwealth in accordance with the provisions of section four hundred and twenty-eight of this article or against whom judgment has been entered by the prothonotary of the court of common pleas of any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced Upon the presentation of such certificate to the prothonotary of the court of common pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the court of common pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payments so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and [seventeen] fifteen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note

Section 432 It shall be the duty of the prothonotary of [each court of common pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article

Section 433 A document on file in the [bureau] department or with the board or any referee or part of the record of any proceedings taken under Articles III and IV of this act shall be proved by a copy thereof certified by the chairman of the board and attested by the secretary of the board under seal of the board.

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award Provided however That the board or a referee designated by the board may at any time set aside a final receipt upon petition filed with the board if it be proved that such receipt was procured by fraud coercion or other improver conduct of a party or is founded upon mistake of law or of fact or upon erroneous judgment on the part of the employe of his ability to work

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental and nursing services hospital treatment artificial appliances medicines and supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicines and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 436 The board or a referee designated by the board or any court of this Commonwealth in granting an award of compensation to an injured employe or his dependents or in affirming or modifying and affirming such an award or in reversing the disallowance of such an award shall in addition to such compensation include in such an award or judgment expert's fees if any and reasonable attorney's fees for professional services if any rendered by an attorney-at-law to such employe or his dependents in any such proceeding payment of which may be enforced in the same manner as the payment of an award may be enforced under the provisions of this act

ARTICLE V

GENERAL PROVISIONS

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid in any other respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article

three of this act shall be enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the [Bureau] department which shall as soon as may be notify the person by whom the same was filed of the board's approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursements

Section 502 All of the expenses of the department the board and various workmen's compensation referees incurred in connection with the administration and enforment of this act and the Act approved the eighteenth day of July one thousand nine hundred ninetee (Pamphlet Laws one thousand forty-five) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation" and paid out of the General Fund of the State Treasury shall be charged to and paid by way of reimbursement by all employers or if they are insured by their insurance carriers in such equitable amounts at such times and in such manner as the department shall by general rule or regulation prescribe

The department shall give written notice to each employer or his insurance carrier as the case may be of the amount lawfully charged against him under the provisions of this section Each employer or his insurance carrier shall pay the amount of such assessment to the department within thirty days after such notice If payment is not made by such employer or his insurance carrier within such thirty-day period the department through the Department of Justice may institute an appropriate action at law for the amount lawfully assessed against such employer or insurance carrier together with an additional costs incurred by the department or the Department of Justice by virtue of such failure to pay

The moneys in the State Workmen's Insurance Fund are hereby specifically appropriated for the purpose of paying assessments charged to it under this section

All assessments and costs received collected or recovered under this section shall be paid by the department into the General Fund of the State Treasury through the Department of Revenue

Section [502] 503 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act [except] provided that articles two and three are hereby declared to be inseparable and as one legislative thought and if either article be declared by such court void or inoperative in an essential part so that the whole of such article must fall the other article shall fall with it and not stand alone

Section 504 All fines received collected or recovered under the provisions of this act shall be paid to the department and by it paid into the State Workmen's Insurance Fund to the credit of the second injury reserve account created in such fund by this act and such fines are hereby appropriated for the same purposes for which the moneys credited to such account are appropriated by this act

Section [503] 505 Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect

Section [504] 506 The following acts are hereby specifically repealed

The Act approved the third day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of 1915' to exempt domestic servants and agricultural workers from the provisions thereof"

The Act approved the fourteenth day of May one thousand nine hundred twenty-five (Pamphlet Laws seven hundred fourteen) entitled "A supplement to an act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

[Section 505 This act shall not apply in the case of an accident occurring prior to the first day of January next succeeding its passage and approval]

Section 2 This act shall become effective sixty days after the date of its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. WEISS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER declared the "nays" appear to have it.

Whereupon, a division was called for and ninety-nine members having voted in the affirmative and seven members in the negative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON THIRD READING

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1073, entitled

An Act to amend section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-four) entitled "An act imposing a State tax payable by those herein defined as manufacturers and distributors on certain alcoholic beverages used or sold and delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale of alcoholic beverages taxable hereunder and providing penalties as amended prohibiting the importation of beverages into this Commonwealth unless the State tax thereon has been paid

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simon,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,

Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Muir,	Spangler,
Blumberg,	Haberlen,	Munley,	Sproul,
Boose,	Hagerty,	Murrin,	Stank,
Boyd, R.,	Haluska,	Nagel,	Stevens,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stewart,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Wilson,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Downey, G. E.,	Lovett,	Schrope,	Yeakel,
Downey, J. J.,	Lynch,	Schwab,	Yourishin,
Duffort,	Male,	Schwartz,	Zappala,
Eberharter,	Mallen,	Shaw,	Zimmerman,
Eroe,	Mason,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2007, entitled:

An Act providing that when any person held under arrest shall request the privilege and means of notifying his family or others of his arrest and imprisonment those persons in charge of such prisoner shall grant such request

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. OMINSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1904, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board further defining the powers and duties of such board and its members and transferring certain powers of the board over referees from the board to the Department of Labor and Industry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred forty-one four hundred forty-two two thousand two hundred eight and two thousand two hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and mommissions shall be determined" are hereby amended to read as follows

Section 441 Workmen's Compensation Board The Workmen's Compensation Board shall consist of [three] five members [of whom] Of the five members at least two shall be learned in the law and one shall be licensed and qualified under the laws of this Commonwealth to practice medicine and surgery [the] The Governor shall designate one member of the board as chairman The Secretary of Labor and Industry shall be ex officio a member of the board [Two] Three members of the board shall be a quorum and no action of the board shall be valid unless it shall have the concurrence of at least [two] three members A vacancy on the board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the board

The Secretary of Labor and Industry with the approval of the Governor shall appoint a secretary to the Workmen's Compensation Board who shall receive such salary as the Secretary of Labor and Industry with the approval of the Governor shall determine

The Chairman of the Workmen's Compensation Board shall receive a salaries at the rate of nine thousand dollars per annum The other members of the board except the Secretary of Labor and Industry shall receive salaries at the rate of eight thousand five hundred dollars per annum

Any investigation inquiry or hearing or appeal which the board has power to undertake hold hear or determine may be undertaken held or heard by or before any one or more of the members of the board All investigations inquiries hearings or appeals before or by any such member or members shall be deemed to be or shall be the investigations inquiries hearings or appeals of the board Any determination ruling or order of a member or mem-

bers upon any such investigation inquiry hearing or appeal undertake nheld or heard by him or them shall not become and be effective until approved and confirmed by at least a quorum of the board and ordered to be filed in its office Upon such confirmation an dorder such determination ruling or order shall be the determination ruling or order of the board

The chairman of the board shall have the power as often as he may deem the work of the board requires to designate the time and place for the conducting of investigations inquiries hearings and appeals and to assign cases to a member or members for hearing investigation inquiry study or other similar purpose

Section 442 Workmen's Compensation Referees There shall be in the Department of Labor and Industry as many Workmen's Compensation Referees as in the judgment of the Governor and of the Secretary of Labor and Industry shall be necessary properly to administer the workmen's compensation laws of the Commonwealth Such referees shall be subject to the direction and control of the [Workmen's Compensation Board] Department of Labor and Industry The [board] department shall assign them to the various workmen's compensation districts and shall prescribe from time to time the duties to be performed by them

Each Workmen's Compensation Referee shall receive a salary at the rate of five thousand dollars per annum

Section 2208 Workmen's Compensation The Department of Labor and Industry shall have the power and its duty shall be

(a) To administer and enforce the laws of this Commonwealth as now existing or hereafter enacted relating to workmen's compensation provided however That the Workmen's Compensation Board [and the Workmen's Compensation Feferees] shall perform [their] its respective duties independently of the Secretary of Labor and Industry or any other official of the department except that all clerical stenographic and other assistance required by the Workmen's Compensation Board [and the several Workmen's Compensation Referees] shall be appointed by the department as provided in this act

(b) To receive and classify reports of all accidents to receive and approve or disapprove agreements supplemental agreements receipts final receipts applications for exemption from obtaining insurance and other papers in workmen's compensation cases which have heretofore been subject to approval by the Workmen's Compensation Board and to notify the parties of its approval or disapproval within thirty days after receipt of such agreements supplemental agreements receipts final receipts or other papers as provided by law

(c) To follow up all cases in which workmen's compensation agreements shall have been filed and see that such agreements are fulfilled in accordance with the provisions thereof and the laws of this Commonwealth

(d) To advise injured workmen of their rights under the workmen's compensation laws

(e) From time to time to divide the State into such number of workmen's compensation districts as it may with the approval of the Executive Board deem advisable for the proper administration of the workmen's compensation laws

(f) To receive and refer to the Workmen's Compensation Board claims in contested cases and mail decisions of the Workmen's Compensation Board and of Workmen's Compensation Referees in all contested cases to claimants and defendants

(g) To render to the Workmen's Compensation Board any reasonable assistance requested by the board in the conduct of its work

(h) Except in cases in which the Commonwealth's liability therefor is covered by insurance to prepare and issue to the Auditor General certificates or requisitions for the payment of workmen's compensation to injured employes of the Commonwealth

Section 2213 Workmen's Compensation Referees Subject to any inconsistent provisions in this act contained each Workmen's Compensation Referee shall have the power and his duty shall be to hear such claims for compensation as shall be assigned to him by the [Workmen's Compensation Board] Department of Labor and Industry and to perform such other duties as shall be required of him by the [Workmen's Compensation Board] department or imposed upon him by law

Section 2 This act shall become effective immediately upon its final enactment

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker and members of the House, this bill provides that the Workmen's Compensation Board shall be increased from three members to five members, an additional expense to the Commonwealth of Pennsylvania of at least seventeen thousand dollars per year. I cannot possibly understand what prompts the introduction of this bill. The Workmen's Compensation Board has been efficiently managed with three members on that Board. We are supposed to be economizing in State government. For no good reason except for the possible creating of two additional jobs for two worthy persons this bill merely adds an unnecessary expense to the Commonwealth.

The bill also provides that of the five members, two shall be lawyers and one shall be a doctor. If it is the desire of the sponsor of this bill to have a lawyer and a doctor upon the Board that may or may not be a good idea, but it can readily be accomplished by amending the present act and providing that one of the members of the Board shall be a lawyer, and one a doctor and one a layman, but it is not necessary to put the Commonwealth to an additional expense.

I do not know whether or not the present Workmen's Compensation Board has requested two additional members or whether or not they feel that they are unable to handle the situation which has been well handled in the past by three members of the Board. I, therefore, ask the membership of this House in the interest of economy in the State government not to create two additional plums at the expense of the taxpayers of Pennsylvania, and I will ask you to vote "no" on this bill.

Mr. TUMELTY. Mr. Speaker, the reason for introducing this bill and changing the Workmen's Compensation Board from three to five members should be obvious to everyone. From what I can understand, the claims before the Workmen's Compensation Board at the present time are in a very congested condition, and it takes from two to three and sometimes five years before a man who is entitled to compensation will finally be compensated.

The last Governor appointed a committee to study the legal and practical aspects of Workmen's Compensation and insurance, and in their recommenation they recommend that this should be increased and that the referee should come under the Department of Labor and Industry, which they do according to this act.

This bill is an administration measure and is only designed to try to assist people who have claims under the Compensation Act. It may be called plums or anything else but a dollar spent in the right direction is a wisely spent dollar. I am going to ask you to vote for this bill because it is going to help the laboring man all the way through.

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Tumelty.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Tumelty, permit himself to be interrogated?

Mr. TUMELTY. I will try to answer, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, when the gentleman says this is an administration measure, may I ask him just what he means by that?

Mr. TUMELTY. Mr. Speaker, I mean that this is a measure which the administration as far as I know is back of it,—the present administration.

Mr. WITKIN. Mr. Speaker, does the gentleman mean that the Governor of the Commonwealth of Pennsylvania is in favor and recommends the passage of this bill?

Mr. TUMELTY. Mr. Speaker, I have not been in touch with the Governor, but it came down from the regular channels, and I imagine yes.

Mr. WITKIN. Mr. Speaker, may I further interrogate the gentleman from Philadelphia, Mr. Tumelty?

The Speaker. Will the gentleman from Philadelphia, Mr. Tumelty, permit himself to be interrogated?

Mr. TUMELTY. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, may I ask who the gentleman means then by the administration?

Mr. TUMELTY. Mr. Speaker, I mean the Democrats who were elected at the last election.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman of the Democrats who were elected in the last election, to which particular democrats does he give the credit for the introduction by him of this bill?

Mr. TUMELTY. Mr. Speaker, I presume this bill originated at some kind of a conference between the workmen's Compensation Board and the Department of Labor and Industry.

Mr. WITKIN. Mr. Speaker, in other words when the gentleman says that he presumes, he doesn't know and he has not got the slightest definite knowledge at this particular moment whether or not this did so originated or did not so originate, is that correct?

Mr. TUMELTY. Mr. Speaker, that is correct.

Mr. WITKIN. Mr. Speaker, so that when the gentleman says it is an administration measure, that is what he thinks, that is what he would like it to be, but he is not sure?

Mr. TUMELTY. Mr. Speaker, I feel pretty sure about it.

Mr. WITKIN. Mr. Speaker, may I further interrogate the gentleman from Philadelphia, Mr. Tumelty.

Mr. WITKIN. Mr. Speaker, when the gentleman says he feels pretty sure, I take it that that necessarily indicates that there is some doubt in his mind, and that he is unwilling to state to this House on his word that that is correct.

Mr. TUMELTY. Mr. Speaker, there isn't any doubt in my mind but I refuse to commit myself and say that there is for fear that the gentleman from Philadelphia might have some loop-hole that he is trying to trip me up on.

Mr. WITKIN. Mr. Speaker, may I ask is it or is it not an administration measure.

Mr. TUMELTY. Mr. Speaker, to the best of my knowledge this is an administration measure.

Mr. WITKIN. Mr. Speaker, from whence does the gentleman get his knowledge?

Mr. TUMELTY. Mr. Speaker, from the democratic caucus.

Mr. WITKIN. Mr. Speaker, does every bill that is decided on in the democratic caucus, the democratic caucus being in favor of it, constitute in his mind an administration measure.

Mr. TUMELTY. Mr. Speaker, the democratic caucusses are to a certain extent confidential. We would have to wait until hell froze over before we would violate that confidence.

Mr. WITKIN. Mr. Speaker, I did not ask about the Democratic Caucus until the gentleman mentioned it.

POINT OF ORDER

Mr. YOURISHIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman, from Luzerne, Mr. Yourishin, will state his point of order.

Mr. YOURISHIN. Mr. Speaker, the question before the House is House Bill No. 1904, and not as to whether it is an administration measure or otherwise.

The SPEAKER. The point of order is well taken.

Mr. WITKIN. Mr. Speaker, I desire to further interrogate the gentleman from Philadelphia, Mr. Tumelty.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Tumelty, permit himself to be further interrogated.

Mr. TUMELTY. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, does the gentleman know whether or not the present Workmens Compensation Board, consisting of three men who were elected in November upon the Democratic ticket have requested two additional members upon their board?

Mr. TUMELTY. Mr. Speaker, I cannot answer that question but I believe that they had some kind of understanding with the Department of Labor and Industry before this bill was originated.

Mr. WITKIN. Mr. Speaker, so that as far as the gentleman from Philadlephia knows there has been no request made by the Workmen's Compensation Board that they be provided with two additional members; is that correct?

Mr. TUMELTY. Mr. Speaker, as far as I know that is correct, but I still think it is a good idea.

Mr. WITKIN. Mr. Speaker and members of the House, it seems to be a happy faculty when bills are sponsored by the Democratic Membership in order to assure its passage to voice the sentiment and make the expression "it is an administration measure." I have heard it done too often in this House, where as a matter of fact it is not a Democratic administration measure.

The remarks of the gentleman from Philadelphia as to whether or not it is or is not an administration measure ought to convey to every man who has heard it the fact that he is not sure whether it is or not and I cannot help but direct the attention of the House that there is right now at this very moment on the floor of this House a member of the Workmen's Compensation Board, and it would have been a very easy matter for the gentleman from Philadelphia, Mr. Tumelty, to find out whether or not the present Workmen's Compensation Board feels that it needs two additional members. There is nobody better qualified in the whole Commonwealth to tell you whether they need two additional members properly to administer the Workmen's Compensation Laws than the present Workmen's Compensation Board and I think it is very loose practice on the part of the Democratic majority and I think it is a careless and reckless manner of presenting bills.

I further decry the use of the words to put through a measure, "it is an administration measure" in order to get it across. It seems to me that where we are spending the taxpayer's money that the least the sponsor of such measure should do is to ascertain whether it is an administration measure or not.

Right at the present moment you are voting upon this extra expense without a single possible argument that there is any reason for it. There hasn't been a bit of evidence, there hasn't been anything said to you, to indicate that there is any need of additional members on this Board. The statement that it takes from two to three years for claims to be disposed of by the Compensation Board is so ridiculous, so incorrect, that to make answer to it would be dignifying the most erroneous statement made on the floor of this House. I say to the members of this House that where you are creating jobs today and where you are taking money out of the coffers of the Commonwealth you ought to stop, look and listen, and if you stop, look and listen and if you examine the records of the Compensation Board, you will find that three men are just as capable of sitting down to hear and determine the facts as five men. There is no use plugging up with two extra places for two mannikins but to use three men who are well able to administer justice. I believe that the present Workmen's Compensation Board is a capable board, and I do not think they need any help. I think if they were asked whether they needed help or not, they would say "no." I think that you are treading upon dangerous ground when for no reason whatever, you are sponsoring such legislation. I am not going into the question of putting referees under the Department of Labor and Industry and taking them away from the Compensation Board, except to say this, that it seems that you are lacking confidence in your own board, and that you do not seem to have the proper confidence in the Workmen's Compensation Board, because you do not want to trust them under this bill. You won't let the referee who acts under them and to whom they must report to make decisions be responsible to that board. You are going to take that responsibility away, put it in the Department of Labor and Industry. You cannot accuse me in this argument of arguing politics because they are both Democratic, the Department of Labor and Industry and the board, but it is a ridiculous provision, and for these reasons and for the reasons that the gentleman from Philadelphia has uttered in his explanation of this bill, I ask you to vote against it.

Mr. RUTH. Mr. Speaker and members of the House, I can say that this is an administration measure because I gave the bill to Mr. Tumelty and asked him to introduce it. It was passed upon by the Democratic Caucus, and it is designed to correct conditions existing today and during the last few years where it took from three to five years before some of the persons who were injured could get compensation because of the congested condition of the Board's docket. With five members the work will be carried on in the individual meetings.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—113

Achterman,	Downey, J. J.,	Lovett,	Ruth,
Alexander,	Eberharter,	Male,	Sarraf,
Allen,	Eroe,	McCreary,	Scanlon,
Andrews,	Falkenstein,	McDermott,	Schrope,
Arnold,	Fitch,	McElroy,	Schwab,
Aukerman,	Flanagan,	McHenry,	Shaw,
Baine,	Flinchbaugh,	Melchiorre,	Shepard,
Baker, J J.,	Furman,	Mentzer,	Shugarts,
Barber,	Gerard,	Moomaw,	Siegel,
Bradley,	Haberlen,	Mooney,	Simon,
Brancato,	Hagerty,	Moran,	Sinwell,
Brown, H. S.,	Haluska,	Munley,	Smith, J. A.,
Brown, J. E.,	Hamilton, F. P.,	Murrin,	Smith, W. G.,
Brumbaugh,	Harkins,	Nagel,	Stank,
Burke,	Harmuth,	O'Keefe,	Stevens,
Cannon,	Hartman,	Ominsky,	Sumney,
Caputo,	Hetrick,	O'Neill,	Tronzo,
Carr,	Hindman,	Panton,	Tumelty,
Carson,	Hirsch,	Patterson, C.,	Van Sickle,
Chervenak,	Holstrum,	Patterson, J. W.,	Walker,
Coakley,	Hoopes,	Pearson,	Weiss,
Cochran,	Kelso,	Pfaff,	Welliver,
Cohen,	Kilroy,	Piole,	Welsh,
Coleman,	Kinney,	Powers,	Westrick,
Condon,	Klingler,	Reising,	Wilson,
Coolahan,	Kobelak,	Rinn,	Yourishin,
Decker,	LaRue,	Robinson,	Zappala,
Dent,	Long,	Ruffennach,	Sarig,
Downey, G. E.,			

NAYS—67

Altenburg,	Gates,	Muir,	Stewart,
Atkins,	Gillette,	Parks,	Stone,
Barnhardt,	Green,	Perry,	Stott,
Bernhard,	Greenstein,	Peters,	Tahl,
Blumberg,	Habbyshaw,	Phillips,	Trout,
Boose,	Hamilton, R. S.,	Reynolds,	Turner,
Boyd, R.,	Hart,	Root,	Wall,
Boyer,	Hefferon,	Schrock,	Weidemann,
Brennan,	Hermansen,	Shortz,	White,
Castor,	Horst,	Shreiner,	Wickersham,
Conner,	Kane,	Simpson,	Winner,
Cordier,	Kelder,	Sloan,	Witkin,
Davies,	Linderman,	Snyder, F. E.,	Wood,
Denning,	Longaker,	Snyder, J. L.,	Woodside,
Duffort,	Mallen,	Sowers,	Yeakel,
Flynn,	Merrell,	Spangler,	Zimmerman,
Forrest,	Moore,	Sproul,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2138, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State department commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations

or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section one thousand six Section one thousand seven and Section one thousand nine of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporations association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 1006 Limitations upon Loans to One Corporation or Person A A bank or a bank and trust company shall not directly or indirectly lend to any corporation or person an amount which including any extension of credit to such corporation or person by means of letters of credit or by acceptance of drafts for or the discount or purchase of the notes bills of exchange or other commercial paper of such corporation or person shall exceed [twenty-five] ten per centum of the unimpaired capital and [twenty-five] ten per centum of the unimpaired surplus of the bank or bank and trust company However this restriction shall have no application whatsoever to the following

(1) Loans to the United States or loans secured by not less than the face amount of bonds or other interest-bearing obligations of the United States or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the United States is pledged

(2) Loans to the Commonwealth of Pennsylvania or any county or city thereof on loans secured by bonds or other interest-bearing obligations of the Commonwealth or of any county or city thereof or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the Commonwealth or any county or city thereof is pledged

(3) The discount of drafts or bills of exchange drawn in good faith against actual existing values

(4) The discount of trade acceptances or other commercial paper actually owned by the corporation or person negotiating it to the bank or bank and trust company and endorsed without restriction by such corporation or person

(5) The discount of notes secured by shipping documents warehouse receipts or other similar documents conveying or securing title to readily marketable non-perishable staple goods including live-stock when the actual market value of the property securing the obligation is not at any time less than one hundred fifteen per centum of the fact amount of the notes secured by such documents and when such property is fully covered by insurance

B However a bank or a bank and trust company may in addition to the [twenty-five] ten per centum authorized by this section lend to any corporation or person an additional fifteen per centum of the unimpaired capital and fifteen per centum of the unimpaired surplus of the bank or the bank and trust company if such additional fifteen per centum is secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the liability so secured

C In computing the total liabilities of any individual to a bank or a bank and trust company there shall be included all liabilities to the bank or bank and trust company of any partnership or any unincorporated association of which he is a member [and] any loans made for his benefit or for the benefit of such partnership or unincorporated association [.] and loans made to or for the benefit of a corporation of which he owns fifty per centum or more of the capital

In computing the total liabilities of any partnership or unincorporated association to a bank or a bank and trust company there shall be included all liabilities of its individual members to such bank or bank and trust com- or unincorporated association or any member thereof [.] pany [or] loans made for the benefit of such partnership and loans made to or for the benefit of any corporation of which the partnership or unincorprated association or any members thereof owns fifty per centum or more of the capital

In computing the total liabilities of any corporation to a bank or a bank and trust company there shall be included all loans made for the benefit of the corporation [.] and all loans to or for the benefit of any individual to any partnership or unincorporated association or any member thereof who owns fifty per centum or more of the capital of such corporation

A loan shall be deemed to be made for the benefit of a corporation or a person to the extent that the proceds of such loan are transferred to such corporation or person

Section 1007 Loans to Directors Officers or Employes of a Bank or Bank and Trus Company Penalty [A bank or a bank and trust company shall not grant any loan to a director thereof either directly or indirectly in an amount which including therein any extension of credit by means of letters of credit or by acceptance of drafts for or the discount or purchase of notes bills of exchange or other obligations of such director will exceed ten per centum of the unimpaired capital plus ten per centum of the unimpaired surplus of such bank or bank and trust company unless any such loan in excess of such ten per centum of the unimpaired capital and the unimpaired surplus shall be secured by not less than a like amount of bonds or other interest-bearing obligations of the United States or of the Commonwealth of Pennsylvania]

[B] A bank or a bank and trust company shall not unless such loan shall be secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the loan so secured grant to any director officer or employe thereof any loan or line of credit without (1) the prior affirmative vote or the prior written assent filed in the place of business of the institution of a majority of all the directors of the bank or bank and trust company granting the loan except that if it is a director who is directly or indirectly interested in obtaining the loan he shall not have a vote or (2) the prior vote of a majority of the executive commitee of the board of directors subsequently ratified by an affirmative vote of a majority of the members of the board of directors present at the meeting to which such action of th executive committee shall be ratified

[C] B A bank or a bank and trust company shall not grant a loan in excess of one thousand dollars to a salaried officer or employe thereof or to a salaried officer or employe of an affiliated bank bank and trust company or trust company or an affiliated national banking association as defined in this act unless the amount of the loan in excess of one thousand dollars be secured by readily marketable collateral the market value of which shall at no time be less than one hundred and twenty per centum of the amount of the loan in excess of one thousand dollars This section shall not apply to loans to any such salaried officer or employe upon the security of a mortgage upon the home of such salaried officer or employe

[D] C Any director officer or employe of a bank or a bank and trust company who on behalf of such bank or bank and trust company knowingly grants a loan in violation of this section and any director officer or employe of such bank bank and trust company trust company or national banking association who wilfully accepts such a

loan with knowledge that it was granted in violation of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the loan he shall furthermore be forever disqualified from acting as a director officer or employe of any institution in this Commonwealth

Section 1009 Limitation upon Investing in Shares A Except as otherwise specifically authorized by this act a bank or a bank and trust company shall not purchase or invest in the shares of capital of any corporation whatsoever

B Any bank or bank and trust company may purchase or invest in the shares of a Federal Reserve Bank national banking association or any bank bank and trust company or trust company incorporated under the laws of this Commonwealth or of any corporation organized for the purposes of conducting a safe deposit business [and may also purchase or invest in the shares of other corporations an amount which shall not exceed twent-five per centum of the unimpaired capital and twenty-five per centum of the unimpaired surplus of such bank or bank and trust company in the shares of any corporation]

C Any bank and trust company may in exchange or in consideration for such assets and property as comprised its title insurance business take and hold the shares of any corporation organized and existing under the laws of this Commonwealth for the purpose of conducting a title insurance business provided that such shares shall not except with the written approval of the Department be entered upon its books at an amount greater than the amount at which the assets and property which comprised its title insurance business were theretofore entered upon its books

([C] D This section shall not be construed to affect the power of a bank or a bank and trust company to take or hold shares of capital of a corporation in accordance with the provisions of this act as security for loans granted by such bank or bank and trust company

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simon,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Muir,	Spangler,
Blumberg,	Haberlen,	Munley,	Sproul,
Boose,	Hagerty,	Murrin,	Stank,
Boyd, R.,	Haluska,	Nagel,	Stevens,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stewart,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Terry,
Brownfield,	Hefferon,	Patterson, C.,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Trout,
Burke,	Hetrick,	Pearson,	Tumelty,
Cannon,	Hindman,	Perry,	Turner,
Caputo,	Hirsch,	Peters,	Van Allsburg,
Carr,	Hoffner,	Pfaff,	Van Sickle,
Carson,	Holstrum,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Cordier,	Kinney,	Rooney,	Wilson,
Davies,	Klingler,	Root,	Winner,
Decker,	Kobelak,	Ruffennach,	Witkin,
Denning,	LaRue,	Ruth,	Wood,
Dent,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2015, entitled:

An Act authorizing cities boroughs and towns to construct acquire own operate and control water-works and gas works and appurtenances thereto and to sell water and gas both within and without their corporae limits and conferring the power of eminent domain to acquire property for such purposes

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker, I would like to interrogate the sponsor of this bill, the gentleman from Allegheny, Mr. Moran.

The SPEAKER. Will the gentleman from Allegheny, Mr. Moran, permit himself to be interrogated?

Mr. MORAN. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Moran, whether or not the word "town", as used repeatedly in the act, means a township or village or what.

Mr. MORAN. Mr. Speaker, It means towns, cities, or boroughs.

Mr. KANE. Mr. Speaker, I would like to inquire of the gentleman from Allegheny, Mr. Moran, whether or not the word "town" as used in this act means townships or a community?

Mr. MORAN. Mr. Speaker, I don't know what your word "town" means.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Moran, what he means by the word "town" in the act. This interrogation is not meant as a joke. I know of no particular subdivision in Pennsylvania called a "town". In New York State they term a township a town. I would like to know whether or not this means a township or whether it refers to a village, an unincorporated town of some sort.

Mr. MORAN. Mr. Speaker, I understand that in Columbia County, you have a place called a town.

Mr. KANE. Mr. Speaker, is that what the gentleman referred to especially as an incorporated town, such as they have in certain cases

Mr. MORAN. Mr. Speaker, in Columbia County, yes.

Mr. KANE. Mr. Speaker, apparently there is only one

or two such incorporated towns in the Commonwealth. Was it the intent of the act to mean township?

Mr. MORAN. Mr. Speaker, the intent of the act is to allow towns, townships, boroughs, and municipalities anywhere in the state as a subdivision.

Mr. KANE. Mr. Speaker, on page two of this act, line fourteen to line seventeen the act reads: "That no city borough or town shall acquire by purchase or condemnation any publicly or privately owned waterworks or gas works and the appurtenances thereto located in any other city borough or town except with the approval of a majority of the qualified voters of the city borough or town, in which the property to be acquired is located."

Mr. Speaker, under this bill, would it not be impossible for the city of Pittsburgh, for example, to acquire a water supply from a private concern back in the country somewhere if the voters of a little township in which that water supply were located chose to obstruct the City of Pittsburgh in its efforts to acquire a water supply, is that not right?

Mr. MORAN. Mr. Speaker, if the gentleman wants to put it that way, yes.

Mr. KANE. Mr. Speaker, may I inquire of the gentleman from Allegheny County, whether or not that is what the act says?

Mr. MORAN. Mr. Speaker, it says that the majority of the voters in each town, borough or township or city, borough or town, that is what it says in the act.

Mr. KANE. Mr. Speaker, I find nothing in this bill to prevent two cities or boroughs or towns, as the case may be, from entering into competition with one another without any regulation whatever, in the territory between those cities or towns. What is the intention of the sponsor of the bill as to regulation of possible competition between cities in a wide open situation such as this creates?

Mr. MORAN. My answer to that question, Mr. Speaker. would be that I do not think it would happen.

Mr. KANE. Mr. Speaker, may I ask the sponsor of the bill why he thinks it would not happen, if two cities both chose to go into the intervening territory, which they have a right to do under this bill?

It happens in the case of a private company. Why would it not happen in the case of a municipality?

Mr. MORAN. Mr. Speaker, in answer to Mr. Kanes question, I would say that private companies are out for profit, where the municipality owed plants would not be out for profit, and this bill would probably ring the rates where they should be for the people that buy gas and water.

Mr. KANE. Mr. Speaker, in case a city under this bill extended its service without any regulation into the surrounding territory or into the adjacent cities or anywhere in the State which the bill permits, who will bear the loss of that municipal plant that undertook, in case it turns out to be a loss, the people served or the city which happens to undertake it?

Mr. MORAN. Mr. Speaker, the city that undertook the building of this plant, of course.

Mr. KANE, Mr. Speaker, in other words, if the city of Butler would go out into the surrounding county owing to the urgency of some administration there that they serve the rest of the community and they would lose a lot of money doing so, the residents of the city of Butler would have to bear the entire expense, is that right?

Mr. MORAN. Mr. Speaker, they would be responsible for the expense therefor, if they want to go to the expense in the first place, and therefore I think they should stand it.

Mr. KANE. Mr. Speaker, I do not see in this bill any provision of any kind with regard to who shall manage or who shall regulate or who shall construct these water plants or gas works, where they go outside the limits of the city which is intending to own them. Can the sponsor of this bill tell me whether or not if a city goes out into another town, the people of that other town have anything to say about the rates charged or the service rendered?

Mr. MORAN. Mr. Speaker, I would say that that is a part of the set up, and a majority of the people in the town that builds the water plant vote for it, and if the people in another town want to buy from them they also vote for that, so in buying I would say that they accept the rates. They are in line with the other towns.

Mr. KANE. Mr. Speaker, I have no further questions to ask, but I would like to speak on this bill. Mr. Speaker and members of the House, it seems to me that this bill is typical of a type of bill which is sometimes drawn up on the spur of the moment by those who do not understand the business over which they are legislating and the problems which are involved in the practical application of the subject on which they are seeking legislation. There is nothing in this bill as now drawn, no matter what the intention may be, which would prevent two cities from entering competition to acquire the water supply in some outlying district, and for the one hundred or perhaps fifty voters in that outlying township, where the plant happens to be located, from holding up those two cities, or either one of them, for any price that they chose. This bill, it seems to me, because of the political constituencies where the plant is located, is a legal option without term of years to condemn at the pleasure the gas works or the water works located in that political subdivision. It seems to me that to subject other political subdivisions to the dictation of perhaps almost extortion, of the political bosses of some of these small neighborhoods, where these water supplies might be located, would be the most foolish type of legislation.

We have in our county among others, a number of very fine supplies of water, many of them owned by private companies and located near the boarders of the county. I have in mind one place where the number of registered voters in the township is not over two hundred, and where the number of votes cast at many elections does not exceed 50. It is hard for me to believe that the Legislature of Pennsylvania would want to subject some other community which wished to acquire a water supply to secure the approval of a majority of that little underpopulated district in which that water supply is located.

There is another feature to this bill which is very bad. That is briefly, this bill is what might be termed a confidence shaker. If there is anything that this country is suffering from at the present time, if there is anything which is holding back recovery it is the absolute insecurity of the investments of all kinds. If we are ever to see our way out of this depresson, we might as well recognize the two fundamental principles on which alone recovery can be based under the capitalistic system. The first of these is that only private employers in tremendous volume can take up a large number of the unemployed. The second is that private employment will only resume in large volume, when it can do so safely and

profitably. You cannot expect recovery as long as bills of this type are going to be threatened. It will deprive them of their investments, especially when, as in this case, they shake the confidence of the person who now has the investment. They are not solving any problem for anybody but merely creating new problems. It must be recognized that the Legislature can grant power to do certain things, but it is equally true that the Legislature cannot by law grant the ability or the integrity to carry out those things.

People who are always clamoring for government control of everything must surely realize that they have a rather childish conception of government. Government is in turn controlled by politics, and government control, therefore, must at all times suffer both from the evils of political control and the evils of indirection. It is indirect political control. There is nothing in this bill which establishes any other control of these enterprises than common ordinary politics. Not only that, but it throws open the doors for the politicians of one locality to extend their domain of business into any part of the state of Pennsylvania. There is only one restriction, that is the politician of some other neighborhood has the first crack at this industry. I say to you, ladies and gentlemen, that there are a couple hundred million dollars in the state of Pennsylvania which would go back into private investments, an amount equal to or larger than the Governor's entire budget, which would be spent employing people usefully, profitably and continuously if a lot of this type of legislation were definitely and finally killed and disposed of.

This bill is bad for two reasons, it establishes a bad principle, that the communities can go out and compete with one another in the intervening districts in public utility enterprise without the regulation of anybody, and the second one is that it establishes operation of every water pipe and every gas works in the state of Pennsylvania in favor of the particular place it happens to be located, not in favor of the people which it serves. It is absolutely wrong and I ask you to vote against this bill.

Mr. MORAN. Mr. Speaker and members of the House, I am very much surprised to hear a member of this House get up and oppose a bill of this nature. I can understand that big utility companies would oppose a measure of this kind but I cannot believe that a man would get up here representing the people and say that the people in general were opposed to this kind of a measure, because public opinion today is absolutely opposed to big utilities and they want their own utilities. I believe that we are going to give them to them. If you do not do it this session they are going to get it the next session.

I would like to say in answer to the gentleman from McKean, Mr. Kane, in regard to putting the people back to work, the more plants that you have in the country, the more work you will have for the people to work at. You will have more machinery to build instead of centralizing all of your big utility plants in one big plant and furnishing all the municipalities with their power, their water or their gas, and then they charge any price that they want. If we operate our own plants we would probably pay no more than we are paying today for water from the big utilities, at the same time that amount of money will cover all our taxes, and that is practically true in this Commonwealth, in several places where municipalities will own and operate not only their own water and gas plants but also their own electrical light plants and I ask the members of this House, if you are not in favor of the big utilities, to vote "aye" on this bill.

Mr. TURNER. Mr. Speaker, in the face of the statements from the gentleman from Allegheny, I suppose that I ought to rise with a certain amount of shrinking and trembling at the charges hurled against the great utilities of Pennsylvania in their desire to stifle legislation. It is always easy to attack a piece of legislation with glittering generalities. It is always easy to take a bill and say that this bill stands for a certain principle or a certain idea, and, based upon that statement to urge the passage of that measure, notwithstanding the things that are printed upon the pages of the bill. But to those of us who have been trained in these halls and particularly to those of us who are trained in the legal profession, a bill does not particularly represent the idea or the principal as much as it represents the words that are printed in it to carry out that idea or that principle.

I do not believe that there are many members of this House who will refute the idea that the municipalities have the right and they do have the right under the present law. There is no doubt of that, the right to construct and own and to operate their own gas and their own water plants. I am in accord with that idea if it can be properly carried out. But there is a danger in this bill, that while you are rapping at one side with the idea that you were going to do something to reduce the rates, that you were going to do something to put money into the coffers of particular municipalities, on the other hand, while you are trying to do that, you may be cutting holes in the bottom of the taxpayers' pockets, and that instead of putting money into the treasury of the municipality you may be causing a loss. Of course, there are municipalities in Pennsylvania that have made a success of municipal ownership. Of course, there are municipalities in the United States that have made a success of municipal ownership, but, my friends, this question, as was the question in the bill last night, that we fought over concerning the registration of voters, it is the personal equation that counts, not the question of legislation. Wherever municipal ownership has been successful, you will find that it has had a high priced management, that it has been free from graft, it has been willing to charge up against the rates charged to the consumers all the items that should be charged. But here there is no restriction upon a municapilty going into the general field of supplying water and gas; not to its own taxpayers who have to foot the bill, but go outside of their municipal limits and selling these commodities to people in the outside territory. That requires a degree of skill; that requires a high degree of management and it requires degrees of engineering. It is bad enough that the people in the local community are going to foot the bill for the municipally owned plant, if it does not happen to be operated at a profit, but when it goes out into the field in competition outside of their own limits they are going far afield from the idea of municipal ownership of their own public utilities. I think the great defect in this is not only that, but it gives them the opportunity to go outside, which entails to the taxpayers the cost, and it gives them the opportunity to go off without any hindrance in competition with other established industries, utilities, if you like. After all, those utilities are owned by their stockholders, and the bondholders have an interest in them, and the employees of those utilities, Mr. Moran, have an

interest in that too, and in their jobs, just the same as men who might hope to get jobs from these municipally owned plants. They have a vested interest in that too. There is nothing that the public has an interest in. The rate payers in that district may be vitally affected by the entrance of the competing utility into the field. That would reduce the amount of gas and water consumed by the consumers of the privately owned utilities. It would vitally affect the rates. Therefore, there ought to be put into the bill, if this bill is to be passed, a provision with regard to the submission of that question to the Public Service Commission, because if "A" community decided to build its own gas plant and then goes down into "B" and "C" communities and they are already served by a privately owned utility, the rates of "B" and "C" may be vitally affected by that, and it will not reduce rates, but it will mean an increase in the receipts and a loss to the taxpayers in "A" community that builds its municipally owned plant. Let me give you a concrete example of the defects in this bill. As to the gas supply of manufacturers in the city of Chester, under this bill: if the municipal authorities in Chester decided to buy the gas plant and only sell this supply within the city of Chester, they cannot draw upon the rest of the supply in Delaware County, and by supplying the gas in the city of Chester, it would have to be brought in from some other place and it would have to be bought in Delaware County outside of the city of Chester, which would cause an increase in the rates to the people in Delaware County.

Another illustration, based upon what my good friend, Mr. Moran, has said, with the large amount of the supply of water in Delaware County, one of our townships in our country rural districts, if it were sought to secure their supply of water under this bill, the little township that may have nine hundred votes in that township may prevent them from securing the water.

There has been talk in Philadelphia of going up to the Pocono mountains to secure water. It might be possible for a small group of people in the Pocono mountains to defeat the object of Philadelphia in securing that supply of water, that is a mere handful of people, for a great metropolis of two million people. It is for this reason that this bill is bad. It is not because it promotes municipal ownership. It creates a burden upon the taxpayer that I don't think this Legislature has the right to impose at all, and I don't think this Legislature has the right to give any group of officials the right to impose it upon their people.

Mr. MORAN. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. MORAN. Mr. Speaker, may I inquire of the gentleman from Delaware, Mr. Turner, if he has read the bill?

Mr. TURNER. Mr. Speaker, I have.

Mr. MORAN. Mr. Speaker, may I ask the gentleman from Delaware, Mr. Turner, if he understands this to be an enabling act?

Mr. TURNER. Mr. Speaker, yes sir.

Mr. MORAN. The gentleman also understands from the reading of the bill, no municipality can hold or operate a plant or build a plant without the majority vote of the people of that municipality.

Mr. TURNER. Mr. Speaker, I do not so read the bill. I would be obliged if the gentleman from Allegheny, Mr. Moran, would read the sections of the bill that so provide.

Might I ask the gentleman from Philadelphia to permit me to offer an explanation which I think will save his time and the time of the House?

The SPEAKER. The gentleman will proceed, if the statement is short. The gentleman from Allegheny has the floor for the purpose of interrogation.

Mr. MORAN. Mr. Speaker, I will yield the floor to the gentleman from Delaware.

Mr. TURNER. Mr. Speaker, on page two line fourteen the gentleman undoubtedly refers to the words "No city, borough or town shall acquire by purchase or condemnation any publicly or privately owned water works or gas works and the appurtenances thereto located in any other city, borough or town except with the approval of the majority of the qualified voters of the city, borough or town in which the property to be acquired is located." That is the provision to which I just referred.

Mr. MORAN. Mr. Speaker, that is right. Now, I would like to ask the gentleman from Delaware, Mr. Speaker, one question. May I ask the gentleman from Delaware, Mr. Turner, whether or not he is interested in any way in the public utilities?

Mr. WITKIN. Mr. Speaker, at the request of the gentleman from Delaware, Mr. Turner, I won't raise the point of order that these questions are becoming impertinent?

Mr. MORAN. Mr. Speaker, I will withdraw the question.

Mr. TURNER. Mr. Speaker and members of the House, I have no hesitency in answering the question of the gentleman from Allegheny. I have heard these questions answered a number of times during this session. I believe they are entirely out of order and not in keeping with the spirit of interrogation in this House. However, in order that there may be no misunderstanding or no thought that I am trying to duck the issue, I want to say to the gentleman from Allegheny I neither represent, either as a lawyer nor in any other capacity, nor do I own or have any shares of stock or bonds in any public utility in the State of Pennsylvania or any place else.

MOTION TO POSTPONE BILL

Mr. MORAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—60

Baine,	Falkenstein,	Lynch,	Ruffennach,
Baker, J J.,	Finnerty,	McElroy,	Ruth,
Barber,	Fitch,	Mentzer,	Shepard,
Brancato,	Gerard,	Moomaw,	Smith, J. A.,
Brown, H. S.,	Hagerty,	Mooney,	Stevens,
Brown, J. E.,	Haluska,	Moran,	Sumney,
Brownfield,	Harkins,	Murrin,	Tronzo,
Brumbaugh,	Harmuth,	Nagel,	Tumelty,
Burke,	Hirsch,	O'Keefe,	Walker,
Cannon,	Hoopes,	Ominsky,	Weiss,
Cohen,	Kilroy,	Patterson, J. W.,	Welsh,
Condon,	Kinney,	Pfaff,	Westrick,
Coolahan,	Kobelak,	Piole,	Wilson,
Decker,	LaRue,	Reising,	Zappala,
Dent,	Lovett,	Robinson,	Sarig,
Eroe,			

NAYS—105

Alexander,	Flynn,	McCreary,	Sinwell,
Allen,	Forrest,	McDevitt,	Sloan,
Altenburg,	Furman,	Merrell,	Smith, W. G.,
Atkins,	Gates,	Moore,	Snyder, F. E.,
Aukerman,	Gillette,	Muir,	Snyder, J. L.,
Baker, F. T.,	Green,	Munley,	Sowers,
Barnhardt,	Greenstein,	Nothnagle,	Spangler,
Bernhard,	Habbyshaw,	Parks,	Sproul,
Blumberg,	Hamilton, F. P.,	Patterson, C.,	Stewart,
Boose,	Hamilton, R. S.,	Perry,	Surface,
Boyd, R.,	Hart,	Peters,	Tahl,
Boyer,	Hefferon,	Phillips,	Terry,
Brennan,	Hermansen,	Reynolds,	Trout,
Carson,	Hindman,	Rinn,	Turner,
Castor,	Horst,	Roan,	Wall,
Cochran,	Jackson,	Root,	Wasserman,
Coleman,	Jones,	Sarraf,	Weidemann,
Conner,	Kane,	Scanlon,	Welliver,
Cordier,	Kelder,	Schrock,	White,
Davies,	Klingler,	Schwab,	Wickersham,
Denning,	Linderman,	Shortz,	Winner,
Dilley,	Long,	Shreiner,	Witkin,
Downey, G. E.,	Longaker,	Shugarts,	Wood,
Downey, J. J.,	Male,	Siegel,	Woodside,
Duffort,	Mallen,	Simon,	Yeakel,
Eberharter,	Mason,	Simpson,	Zimmerman,
Flanagan,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON THIRD READING

Mr. WASSERMAN. Mr. Speaker, I desire to call up at this time House Bill No. 473, Printer's No. 620, on page 30 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WASSERMAN.

The House resumed the consideration on third reading of House Bill No. 473, entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred and forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents' as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WASSERMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 9, line 7, by inserting after the word "theatre" the following: "garage, stable, dance hall, house of amusement, house of worship"

Amend Section 1, page 13, line 22, by striking out with heavy-faced brackets the words "not less than two-thirds of"

Amend Section 1, page 13, line 23, by striking out with heavy-faced brackets the words "covered by its lien"

Amend Section 1, page 13, line 24, by striking out with heavy-faced brackets the words "two-thirds"

Amend Section 1, page 15, line 12, by striking out with heavy-faced brackets the word "fifteen" and insert in lieu thereof "seven"

Amend Section 1, page 15, line 14, by striking out with heavy-faced brackets the word "three" and insert in lieu thereof "two"

Amend Section 1, page 27, by inserting after line 15, the following paragraph: "(c) No fiduciary having more than ten thousand dollars ($10,000) for investment purposes shall invest more than one-third of the funds in his possession in any one investment except in bonds and obligations of the United States, the District of Columbia, the Commonwealth of Pennsylvania or any county, city, borough, township, school district or poor district of the Commonwealth of Pennsylvania, or those for the payment of the principal and interest on which the faith and credit of such governments or political subdivisions have been pledged"

Amend Section 1, page 27, line 26, by striking out with heavy-faced brackets the letter "(c)" and insert in lieu thereof "(d)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1721

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1935.

To the Honorable, th House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1721, Printer's No. 854, entitled, "An Act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled 'An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof provid-

ing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation' by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream powdered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation."

GEORGE H. EARLE.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 141.

An Act Authorizing the abatement of certain tax penalties and interest on county city (except city of the first clas) borough town township school district (except school district of the first class) and poor district taxes

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 927.

An Act to preserve the purity of the waters of the Commonwealth and to avoid the danger of fire by requiring the owners operators and lessees of abandoned bituminous coal mines and workings to seal the entries and air shafts thereof and conferring powers upon the Department of Mines to carry into effect the provisions of this act

HOUSE BILL No. 1151.

An Act to amend section two thousand nine hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing further exception to the tax on transient merchants

HOUSE BILL No. 1152.

An Act to amend section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amendnig revising and consolidating the law relating thereto" by providing further exceptions to the tax on transient merchants

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON FINAL PASSAGE

Mr. BROWNFIELD. Mr. Speaker, I desire to call up at this time House Bill No. 2056, Printer's No. 742, on page 10, of today's calendar, bills on final passage postponed.

Agreeably to order.

The bill having been called up from the postponed calendar by Mr. BROWNFIELD.

The House resumed the consideration on final passage of House Bill No. 2056, entitled:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. BROWNFIELD. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. BROWNFIELD. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Page 4, line 16, after the word highway, by adding the following: "This Act shall not be construed to create any new right of action for damages or any right of action or procedure not existing or available at the time of the original acquisition of such easement."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORTS FROM COMMITTEES

Mr. PIOLE, from the Committee on Labor, reported as committed, House Bill No. 2680, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder", providing for the inclusion of occupational diseases within the scope thereof; and providing definitions, provisions and procedure related to such diseases.

Mr. COOLAHAN, from the Committee on Banking, reported as amended, House Bill No. 2128, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Cities will meet immediately after this session in the Conference Room.

The Committee on Agriculture will meet tomorrow at 10.15 a. m. in room 324.

The Committee on Public Utilities will meet one half hour after tomorrow morning's session in room 521.

ADJOURNMENT

Mr. NAGEL. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 6:27 P. M.) the House adjourned until Wednesday, May 1, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, MAY 1, 1935 No. 55

SENATE

WEDNESDAY, May 1, 1935.

The Senate met at 11 o'clock A. M.

The PRESIDENT (Pro Tempore John G. Homsher) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O God, who art mindful of Thy children everywhere, reveal Thy mercy unto all men and remember, in Thy great good will, those for whom we now make intercession.

Remember Thy church which Thou has purchased of old. Peace be within her walls and prosperity within her palaces.

Remember Thy mercy and Thy truth toward the House of Israel, and let all the ends of the earth see the salvation of our God.

Remember our Nation and our Commonwealth which Thou hast established. Give wisdom and power from above to Thy servants on whom Thou hast laid the burden of authority, especially the President of the United States and the Governor of our State. Bind together the whole body of the Commonwealth in the unity of brotherhood.

Remember all the persecuted and afflicted; speak peace to troubled hearts; strengthen the weak, confirm the strong; instruct the ignorant, deliver the oppressed, relieve the needy that hath no helper; lead us all by the waters of comfort and the ways of righteousness to Thine everlasting rest, to the honor of Thy name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HUNSICKER, the further reading was dispensed with, and the Journal was approved.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petition signed by members of the Congregational Church, Duquesne, protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

FAVORING COUNTY BOARDS HANDLING RELIEF

Mr. EALY presented petition signed by numerous citizens of Somerset County favoring County Boards handling unemployment relief.

Which was referred to the Committee on County Government.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

Mr. GRAFF presented petitions from the United Brethern Sunday School, Middletown, Westmoreland County, and the Apollo Presbyterian Church protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

RECESS

Mr. ARON. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1073 (Senate Bill No. 1155), entitled:

An Act to amend section four of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled "Beverage Tax Law," as amended; prohibiting the importation of beverages into this Commonwealth unless the State tax thereon has been paid.

Which was committed to the Committee on Finance.

House Bill No. 2027 (Senate Bill No. 1156), entitled:

An Act to limit the jurisdiction of courts in equity in issuing restraining orders or temporary or permanent injunctions in certain cases.

Which was committed to the Committee on Judiciary General

House Bill No. 1904 (Senate Bill No. 1157), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "Administration Code of 1929," by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board; further defining the powers and duties of such board and its members; and transferring certain powers of the board over referees from the board to the Department of Labor and Industry.

Which was committed to the Committee on State Government

House Bill No. 2138 (Senate Bill No. 1158), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Which was committed to the Committee on Banking

House Bill No. 1199 (Senate Bill No. 1159), entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915," by making the present schedules of compensation compulsory upon all employers changing, adding to and increasing the schedules of compensation; requiring appeals heretofore taken to the courts of common pleas to be filed directly with the Superior Court and conferring jurisdiction upon such court to hear such appeals, prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurors; conferring certain duties upon the prothonotary of the Superior Court, and certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system; providing for the payment of compensation for certain second injuries ad for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending, clarifying and changing the provisions of said act.

Which was committed to the Committee on Labor and Industry

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 927

He also presented communication from the House of Representatives informing the Senate that the House has concurred in ammendments made by the Senate to House Bill No. 927, entitled:

An Act to preserve the purity of the waters of the Commonwealth, and to avoid the danger of fire by requiring the owners, operators and lessees of abandoned bituminous coal mines and workings to seal the entries and air shafts thereof, and conferring powers upon the Department of Mines to carry into effect the provisions of this act.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1151

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1151, entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1152

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1152, entitled:

An Act to amend section two thousand six hundred and eleven, and section two thousand six hundred and twenty-one as amended, of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" by further equalizing license taxes on residents and non-residents, and providing further exceptions to the tax on transient merchants.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1657

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1657, entitled:

An Act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1535

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1535, entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 4

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 4, Printer's No. 308, entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

be recalled from the Governor for the purpose of amendment.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 445

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 1, 1935.

Resolved (if the Senate concur), That House Bill No. 445, entitled:

An Act supplementing the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes' Retirement Law," by providing additional credit for service and prior service for State employes who were formerly employed as teachers, principals or superintendents in the public school system of the Commonwealth.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 29, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania by adding section eight.

Senate Bill No. 70, entitled:

An Act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards.

Senate Bill No. 256, entitled:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit.

House Bill No. 247, entitled:

An Act to amend section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," giving courts discretion with respect to certain surcharges against county commissioners.

House Bill No. 284, entitled:

An Act granting power to counties, cities, boroughs, towns, townships, school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest.

House Bill No. 1064, entitled:

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act"; amplifying contractural rights as to joint sewers.

House Bill No. 1698, entitled:

An Act to amend sections three, five, seven, eight, ten, twelve and thirteen of the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "Barbers License Law," further regulating barber shops, barber schools and persons desiring licenses under the provisions of the act.

House Bill No. 1865, entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (P. L. 172), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor; making appropriations for such purpose as erection and equipment, of the building and buildings necessary therefor; making appropriation for such purposes as erection and equipment, and the maintenance of the children admitted therein; placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the Soldiers' Orphans Schools, extending the time for the discharge of children from said school.

House Bill No. 927, entitled:

An Act to preserve the purity of the waters of the Commonwealth, and to avoid the danger of fire by requiring the owners, operators and lessees of abandoned bituminous coal mines and workings to seal the entries and air shafts thereof, and conferring powers upon the Department of Mines to carry into effect the provisions of this act.

House Bill No. 1151, entitled:

An Act to amend sections two thousand nine hundred one and two thousand nine hundred twelve of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" by further equalizing license taxes on residents and nonresidents and providing further exceptions to the tax on transient merchants.

House Bill No. 1152, entitled:

An Act to amend section two thousand six hundred and eleven, and section two thousand six hundred and twenty-one as amended, of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 982), entitled "Third Class City Law" by further equalizing license taxes on residents and nonresidents, and providing further exceptions to the tax on transient merchants.

House Bill No. 195, entitled:

An Act to further amend section seven hundred four of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "Game Law"; prohibiting the use of dogs in hunting bear or the chasing of bear by dogs.

House Bill No. 852, entitled:

An Act to amend section ninety-eight of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," prohibiting the purchase, sale and exposing for sale of certain pike and fillets thereof.

House Bill No. 885, entitled:

An Act to amend section one of the act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013), entitled "An act regulating the issuance of licenses to marry; prohibiting the issuance of such licenses to certain persons; regulating the time which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court; and prescribing the duties of the clerk of the orphans' court, by requiring three days to elapse between the application for, and the issuance of, the license.

House Bill No. 1093, entitled:

An Act to amend section five of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and registration of motor boats operated or navigated upon any public stream, artificial or natural body of water, or nontidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," as added changing the licensure year for motor boats.

House Bill No. 1153, entitled:

An Act to amend section two thousand nine hundred ten as amended, and section two thousand nine hundred twenty-two, of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act" by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants.

House Bill No. 1236, entitled:

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by providing certain exemptions from the payment of fees provided for therein.

House Bill No. 1383, entitled:

An Act to amend section two hundred and twenty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

House Bill No. 1476, entitled:

An Act to amend section forty of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," as amended; changing the number of trout allowed to be caught in one day.

House Bill No. 1699, entitled:

An Act to amend section seven hundred and eighteen of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "Game Law," as amended; by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor.

House Bill No. 1806, entitled:

An Act to further amend section two hundred twenty-four of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925," by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued.

House Bill No. 1807, entitled:

An Act to further amend section three hundred eight of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "Game Law," by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted.

House Bill No. 1885, entitled:

An Act to amend section two hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925," by exempting from the provisions thereof persons fishing in the waters of the Delaware River, lying between New York and Pennsylvania; holding a fishing license issued by the State of New York.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BEAVER COUNTY

Mrs. Helen R. McBride, Aliquippa.

ERIE COUNTY

Mrs. Genevieve Van Dyk, Erie.

LACKAWANNA COUNTY

William J. Lewis, Scranton.
Frank W. Turko, Olyphant.

MONTGOMERY COUNTY

Michael J. Boucher, Ardmore.

PHILADELPHIA COUNTY

Henry Happ, 1312 E. Haines St., Philadelphia.
Leonard Rice, 133 S. 12th St., Philadelphia.

GEORGE H. EARLE.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL NO. 261

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 261, Printer's No. 129, entitled, "An Act to amend section seven hundred and one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one) entitled 'An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airmen and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws' by providing that repeals of acts therein contained shall not be construed to revive acts theretofore repealed."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 710

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 710, Printer's No. 216, entitled, "An Act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation."

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 631

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 631, Printer's No. 259, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF SENATE BILL NO. 631

Mr. KAHLE. Mr. President, I move to reconsider the vote by which Senate Bill No. 631 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. KAHLE. Mr. President, I voted "aye."

Mr. HARVEY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HARVEY. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. KAHLE. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. KAHLE. Mr. President, I voted "aye."

Mr. HARVEY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HARVEY. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. KAHLE. Mr. President, I ask unanimous consent to amend bill, page 3, by inserting after line 4, the following sections:

"Section 2. The payments herein required to be made to associations whose statements for the years one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four were not filed in time, shall be made from moneys appropriated for the two fiscal years beginning June first, one thousand nine hundred and thirty-five, for aid to agricultural associations in accordance with law.

"Section 3. This act shall become effective June first, one thousand nine hundred and thirty-five."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

REPORTS FROM COMMITTEES

Mr. NORTON, from the Committee on Insurance, reported as committed, Senate Bill No. 1150, entitled:

An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws.

Mr. MILLER, from the Committee on Game and Fisheries, reported as amended, Senate Bill No. 420 (House Bill No. 181), entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line.

BILLS INTRODUCED

Mr. NORTON read in his place and presented to the Chair Senate Bill No. 1160, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Berks.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 1161, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the contruction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Berks.

Which was committed to the Committee on Highways.

Mr. CHAPMAN read in his place and presented to the Chair, Senate Bill No. 1162, entitled:

An Act proposing an amendment to section eight, article four, and to add an additional section to article ten of the Constitution of Pennsylvania.

Which was committed to the Committee on Education.

Mr. RODGERS read in his place and presented to the Chair, Senate Bill No. 1163, entitled:

An Act licensing and regulating the business of financing conditional sales contracts, providing for the issuance of licenses by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, and prescribing penalties for the violation of this act.

Which was committed to the Committee on Banking.

Mr. McCREESH read in his place and presented to the Chair, Senate Bill No. 1164, entitled:

A Joint Resolution authorizing the appointment of a commission to make a survey of the proposed construction of a Civic Center, located in Philadelphia and Delaware Counties; to make recommendations for the securing of funds for the proposed construction; and to devise plans for the erection of the proposed Civic Center.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair, Senate Bill No. 1165, entitled:

An Act making an appropriation to cities of the first class for the acquisition of lands, and for the development and equipment of playgrounds and recreation and civic centers.

Which was committed to the Committee on Municipal Government.

RESOLUTION REQUESTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. REED offered the following resolution, which was twict read, considered and agreed to:

In the Senate, May 1, 1935.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on State Government for the use of he Senate Chamber for a public hearing on Senate Bills Numbers 882 and 883, on Tuesday, May 7, 1935, at 8 P. M.

RESOLUTION REQUESTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. STAUDENMEIER offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 1, 1935.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on Judiciary Special for the use of the Senate Chamber for a public hearing on the Billboard Bill, on Tuesday, May 14, 1935, at 8 P. M.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ELK COUNTY

Miss Nellie Keeley, Dagus Mines.

HUNTINGDON COUNTY

W. Carlton Madden, Huntingdon.

JEFFERSON COUNTY

Clemens Simon, Sykesville.

LUZERNE COUNTY

Frank P. Scrudato, Pittston.

PHILADELPHIA COUNTY

Louis De Sipio, 5430 Webster St., Philadelphia.
Luke M. Fisher, 8106 Eastwick Ave., Philadelphia.

VENANGO COUNTY

Mrs. Mayme H. Mason, Franklin.
Leon P. Moore, Franklin.

WASHINGTON COUNTY

Mrs. Gertrude D. Swallow, Washington.

GEORGE H. EARLE.

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Abram H. Young, of Manheim, Lancaster County, as a Workmen's Compensation Referee, vice Harvey B. Lutz, resigned, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT

Mr. STAUDENMEIER. Mr. President, I merely wish to draw the attention of the members of the Senate that the public hearing that was announced for two weeks from last evening, at 8:00 o'clock in the evening, is in connection with the "Bill-board" bill. I have received, as Chairman of the Judiciary Special Committee numerous requests for a hearing, and it is manifestly impossible to answer them all. If the Senators from their respective districts will announce in the local press that this hearing is for two weeks from yesterday (May 14th), at 8:00 o'clock in the evening, it will save me, as Chairman, from answering all these communications as to when the public hearing is to be held.

RECESS

Mr. REED (Dauphin). Mr. President, I move that the Senate do now take a recess until 2:15 P. M.

Mr. HARRIS. Mr. President, I second the motion. The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 419 (Senate Bill No. 1166), entitled:

An Act to encourage industry and benefit labor by prohibiting any and all institutions which receive state aid through appropriation or grant of money from the state treasury or which are exonerated from the payment of any taxes by any city, borough, township or county from manufacturing or producing any printed matter of any description whatsoever for sale to the public in competition with any person, co-partnership, association or corporation engaged in the business of printing or publishing.

Which was committed to the Committee on State Government.

House Bill No. 1109 (Senate Bill No. 1167), entitled:

An Act requiring specifications for the construction, alteration, or repair of public works of the Commonwealth, county, municipality or other subdivisions of the Commonwealth, to contain a provision that the laborers or mechanics employed thereon, shall have been residents of this Commonwealth for at least sixty days prior to their employment; and prescribing penalties.

Which was committed to the Committee on State Government.

House Bill No. 1188 (Senate Bill No. 1168), entitled:

An Act to amend section three of the act, approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "Generl Election Law" as amended; requiring that bond be filed by political bodies filing nomination papers.

Which was committed to the Committee on Elections.

House Bill No. 1473 (Senate Bill No. 1169), entitled:

An Act imposing a graduated income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of nonresidents derived from property or business in Pennsylvania; defining taxable income and requiring filing of returns thereof; providing for the assessment, collection and lien of said tax and for the disposition of proceeds thereof; providing for administration and enforcement of the act by the Department of Revenue; conferring powers and imposing duties on certain persons, partnerships, associations, corporations, school districts, State officers, employes and departments; imposing penalties and appropriating the revenues derived from said tax.

Which was committed to the Committee on Finance.

House Bill No. 1522 (Senate Bill No. 1170), entitled:

An Act to amend section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "Municipal Claim and Tax Lien Law," providing for the revival of municipal and other claims by suggestion of nonpayment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment.

Which was committed to the Committee on Municipal Government.

NAME OF WILLIAM PENN TO BE SUBMITTED TO THE ELECTORS OF HALL OF FAME

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows:

In the House of Representatives, April 15, 1935.

Whereas William Penn as Proprietary came to Pennsylvania and organized the provincial and local government sat as first Governor on the Provincial Council Assembly and Courts exemplifying in these executive and legislative functions the principles of democracy which have had perpetual embodiment not only in the sovereign State he founded but in the Nation as well evidenced his statesmanship by promoting

1 The idea of religious toleration practiced on a greater and grander scale than ever before where the oppressed of all nations should have freedom and the opportunity to worship God according to the dictates of their own conscience

2 The establishment of a real democracy as seen in his various frames of government the latest of which the Charter of Privileges of one thousand seven hundred and one served the colony for seventy-five years and the new Constitution of the State of Pennsylvania of one thousand seven hundred and seventy-six is largely modeled upon it

3 Just and fair dealings with subordinate peoples

4 Humane and just treatment of criminals particularly in the infliction of capital punishment

5 The suggestion of one central mint and a common value of coin throughout the American colonies

6 The settlement of the boundaries with France so as to give England the South side of the Saint Lawrence and the Great Lakes which settlement eventually established the present northern boundaries of the United States

7 The idea of federation of the colonies with suggestions which later were embodied in the Constitution of the United States

8 The idea of a Parliament of Nations

Therefore be it

Resolved That this Assembly in session this fifteenth day of April one thousand nine hundred and thirty-five endorses the submission to the Electors of the Hall of Fame for Great Americans the name of Pennsylvania's first Governor William Penn statesman for a place in such Hall of Fame Recommending to the Electorate honorable consideration of his contribution to the political thought of his time rarely if ever equaled

And it is hereby

Resolved Further That the Governor of the Commonwealth be requested to forward forthwith a copy of this Resolution to "The College of Electors of the Hall of Fame" Doctor Robert Underwood Johnson Director seven hundred forty-five Fifth Avenue New York City

Mr. BUCKMAN. Nr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECONSIDERATION OF SENATE BILL NO. 751

Mr. BUCKMAN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 751, entitled:

An Act creating County Assistance Boards for the administration of unemployment relief, and abolishing existing agencies created for the administration of unemployment relief and boards of trustees of the conferring powers and imposing duties upon such county assistance boards, the Governor, courts, county treasurers and the Auditor General; imposing on counties the costs of administration incurred by such boards; providing penalties; and repealing inconsistent acts

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "no."

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON (Centre). Mr. President, I voted "no."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which the bill was defeated on third reading.

The PRESIDENT. How did the Senator vote?

Mr. BUCKMAN. Mr. President, I voted "no."

Mr. THOMPSON (Centre). Mr. President, I second the motion

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON (Centre). Mr. President, I voted "no."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. BUCKMAN. Mr. President, I ask unanimous consent to amend title, page 1, line 8 of title, by inserting after the word "counties" the following: "part of;" also Section 1, page 1, line 5 by striking out the word "six" and insert in lieu thereof "five;" also page 1, line 6 by striking out the word "one" and insert in lieu thereof "two;" also page 2, line 1, by striking out the word "four" and insert in lieu thereof "two;" also page 2, line 2, by striking out the word "sixth" and insert in lieu thereof "fifth;" also page 2, line 3, by inserting after the word "commissioners" the following: "The appointed members of the board shall hold office for two years and until their successors are appointed and shall at all times be subject to removal by the appointing power;" also page 2, line 6, by striking out the words "Each mem-;" also page 2, lines 7, 8 and 9, by striking out all of said lines; also page 2, lines 16, 17 and 18 by striking out the words "shall be paid by the county, but the amount expended for the compensation of employes and other administrative expenses of a board;" also page 2, line 18, by striking out the word "six" and insert in lieu thereof "five;" also page 2, line 22, by inserting after the word "relief" the following: "and by the county;" also page 2, line 22, by striking out the word "six" and insert in lieu thereof "an amount equal to five per centum;" also page 3, line 2, by striking out the words "at the expense of the county;" also page 3, line 4, by inserting after the word "seat" the following: "the rental and expenses of operating which shall be deemed part of the administrative expense"; also section 4, page 4, line 23, by striking out the word "solely;" also page 4, line 27, by inserting after the word "relief" the following: "County assistance boards shall also designate and approve all work relief projects within their respective counties and fix the amount to be expended thereon except such projects as are selected by some properly authorized agency of the State or Federal Government"; also page 5, line 1, by inserting after the word "shelter" the following: "medical and dental care;" also section 5, page 5, line 15, by striking out the words "by the county;" also page 5, by inserting after line 16, the following section: "Section 6. No unemployment relief shall be granted by any county assistance board except upon written application of the person applying therefor setting forth such information as the board may require. Every application for relief filed with a board shall be acted upon within one week after the same is filed"; also section 6, page 5, line 17, by striking out the figure "6" and insert in lieu thereof "7;" also section 7, page 6, line 7, by striking out the figure "7" and insert in lieu thereof "8;" also section 7, page 6, line 12, by inserting after the word "Governor" the following: "The books, papers, records and documents of any county assistance board shall be open to inspection by taxpayers during business hours;" also section 8, page 6, line 13, by striking out the figure "8" and insert in lieu thereof "9;" also section 9, page 6, line 24, by striking out the figure "9" and insert in lieu thereof "10."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS INTRODUCED

Mr. McCLURE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE read in place and presented to the Chair Senate Bill No. 1171, entitled:

An Act to amend section five hundred and sixty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts of the second, third and fourth class to settle, compromise or abate claims for unpaid taxes and to exonerate taxables under certain conditions. Which was committed to the Committee on Education.

Mr. REED (Washington). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED read in place and presented to the Chair Senate Bill No. 1172, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the establishment of a Department of Nursing Education in the School of Education.

Which was committed to the Committee on Appropriations.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BEAVER COUNTY

Mrs. Helen R. McBride, Aliquippa.

ERIE COUNTY

Mrs. Genevieve Van Dyk, Erie.

LACKAWANNA COUNTY

William J. Lewis, Scranton.
Frank W. Turko, Olyphant.

MONTGOMERY COUNTY

Michael J. Boucher, Ardmore.

PHILADELPHIA COUNTY

Henry Happ, 1312 E. Haines St., Philadelphia.
Leonard Rice, 133 S. 12th St., Philadelphia.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. BAUMER. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK, from the Committee on Appropriations, reported as committed, Senate Bill No. 805, entitled:

An Act making an appropriation to the George F. Geisinger Memorial Hospital, Danville, Pennsylvania.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 165, as follows:

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by providing for the revocation and denial of hunting licenses for certain acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by section eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 444) is hereby further amended to read as follows

Section 310 Revocation of Licenses Right to Hunt Denied The Department of Revenue upon request of the board shall revoke any hunter's license and deny any person the right to secure a license or to hunt anywhere in this Commonwealth with or without a license for a period of from one to two years if said licensee or person has either been convicted or signed an acknowledgment of violating any game law or if such licensee or person has been convicted in any court of record of having destroyed or carried away notices posted by the Commonwealth or personal property or crops of any kind on lands in which such licensee or person may have been hunting or has been convicted of being careless in the use of firearms while hunting and thereby caused injury to human life or live stock or has been convicted of causing forest fires or of being intoxicated while using firearms for the purpose of hunting The license of any person convicted of a second or subsequent offense of violating any of the game laws shall be revoked by the Department of Revenue upon request of the board as herein provided and such person is hereby denied the right to secure a license or to hunt anywhere in this Commonwealth with or without a hunter's license for a period of not less than two or more than three years from the date of such conviction In any case of hunting accidents in which a human being is injured by gun fire and no legal proceedings have been taken for the arrest and conviction of the offender the executive secretary of the board through a representative appointed by him may thoroughly and completely investigate such hunting accident in which a human being is injured by gun fire Such representative shall hold hearings and shall have the power to subpoena witnesses expert and otherwise and administer oaths The representative shall have the power to require and receive sworn or affirmed written statements and to consider such statements in making his recommendations A stenographic record of all hearings shall be made which the representative shall submit together with his findings of facts and recommendations to the board through the executive secretary Upon such findings the board is hereby authorized to recommend the revocation of the licenses of the offenders

The Department of Revenue shall upon request of the board revoke the license and deny the right to secure a license or to hunt anywhere in this Commonwealth with or without a license for a period of from one to five years as the board may recommend of any person who after hearing as aforesaid shall be found by the board to have through carelessness or negligence injured another person by gun fire while hunting

The license of any person who shall be subpoenaed before such representative and who shall fail to appear before such official without furnishing satisfactory reason for failure to do so or of any person who shall appear and furnish false testimony shall be revoked by the Department of Revenue at the request of the board for a period of one year

The Department of Revenue shall revoke the license of and deny the right to secure a license or to hunt anywhere in this Commonwealth with or without a license to any person found to have caused injury to another by gun fire through carelessness or negligence on a second occa-

sion for such period as the board shall request To revoke a license then in force or to deny any person the right to secure a license or to hunt anywhere in this Commonwealth for any period the Department of Revenue shall send a written notice to that effect to such person at his address either by registered mail or have it delivered in person by a representative of the Department of Revenue As long as licenses continue to be issued hereunder by the county treasurers the Department of Revenue shall furnish in writing to the county treasurer of each county the name address and the term for which such person has been denied the right to secure a license or to hunt in this Commonwealth together with any other data said Department may deem necessary

Any person whose hunting license has been revoked by the Department of Revenue in case of hunting accidents as aforesaid atfer hearing before a representative of the board shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the court of common pleas of the county in which the licensee resides and such court is hereby vested with jurisdiction and it shall be its duty to set the matter down for hearing upon (30) days' written notice to the executive secretary and to determine whether the petitioner is subject to revocation of license

The department when such appeal is taken shall file with the prothonotary a certified record of the proceedings in the matter which shall include the proceedings before the board and the representative of the board who conducted the investigation and all evidence taken at any hearing on the matter including sworn statements and stenographic notes of testimony

The matter shall be heard by a judge or judges of the court without a jury and the proceedings before the department and the board and the representative of the board conducting the investigation shall be given similar weight force and effect as are accorded to the findings and reports of a referee selected or appointed under the provisions of the act approved the fourteenth day of May one thousand eight hundred and seventy-four entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" and its supplements

Section 2 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rupp,
Batchelor,	Harris,	Norton,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 868 (House Bill No. 1838), as follows:

An Act requiring cities of the second and third class to to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it hereby enacted by the authority of the same That any city of the second and third class having a police department shall allow and permit every member of such police department to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebrations and to have an annual vacation of not less than fourteen days without diminution of the salary or compensation fixed by ordinance or resolution of such city

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rupp,
Batchelor,	Harris,	Norton,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim
Gelder,	McCreesh,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. HUNSICKER. Mr. President, I ask unanimous consent that Senate Bill No. 928 (House Bill No. 1082) on third reading, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtaned and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 212, entitled:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to ratify confirm and validate payments on such contracts by the school district

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 293, entitled:

An Act making an appropriation to the Curtis Clinic Out-Patient Department of the Jefferson Medical College Hospital of Philadelphia Pennsylvania for Maintenance

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 294, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 295, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Howell,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward.
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 491, entitled:

An Act making an appropriation to the Saint John's General Hospital of Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 492, entitled:

An Act making an appropriation to the Presbyterian Hospital of Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 577 (House Bill No. 1281), on third reading, entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands

go over in its order.

The PRESIDENT. Is there objection?

Mr. REED (Dauphin). Mr. President, I object.

The PRESIDENT. The Chair hears objection.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 577 (House Bill No. 1281), entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. EALY. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 683 (House Bill No. 1245), on third reading, entitled:

An Act to amend sections four thousand one hundred and forty--one four thousand one hundred and forty--two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating therto" eliminating compensation to owners whose property is destroyed to abate nuisances

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 734, entitled:

An Act making an appropriation to the Allegheny General Hospital Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 787 (House Bill No. 638), entitled:

An Act to amend clauses (b) and (c) of section seven, and section eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," as amended; providing an expiration date of licenses; defining the qualifications of applicants for licensure, and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesmen, conferring powers and duties upon the Department of Public Instruction in connection therewith; and eliminating penalties for failure to renew.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 809, entitled:

An Act making an appropriation to the Children's Home Society of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 860 (House Bill No. 1594), entitled:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five and for deficiencies to the legislative department for the legislative session of one thousand nine hundred and thirty-five

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 957, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class providing for the organization of a board for superintending and managing the drawing and selecting of jurors and prescribing its powers and duties conferring powers and imposing duties and liabilities on the sheriff imposing duties on registration commissioners and prescribing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. WOODWARD. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 112, as follows:

An Act relating to the relief of the burden of local taxation making an appropriation out of the Motor License Fund providing for the allocation thereof to cities incorporated towns boroughs and townships prescribing the time manner basis and purposes for and upon which said money shall be allocated and reallocated and paid specifying the uses for which said moneys may be expended and imposing powers and duties upon the Department of Highways the Auditor General State Treasurer and on cities boroughs towns and townships and officers thereof and providing penalties

Whereas There are one hundred and eight thousand miles of streets and roads in Pennsylvania and

Whereas The users of the said one hundred and eight thousand miles of streets and roads pay in the form of gasoline tax and motor license fees approximately seventy million dollars per annum and

Whereas The seventy million dollars thus collected from the users of all the streets and roads in the Commonwealth are being expended on only the thirty-five thousand miles of roads on the State system and

Whereas The remaining seventy-three thousand miles must be built and maintained primarily from funds raised through local taxes on real estate and

Whereas Because of the heavy traffic on the seventy-three thousand miles of city borough town and township roads and streets the local public officials are unable to keep the said roads and streets in a fit condition for the safety and convenience of the traveling public without further adding to the burden of the local taxpayer and

Whereas The cities towns boroughs and townships comprising the Commonwealth are in dire need of relief from the burden of local taxes and

Whereas An appropriation allocated to cities towns boroughs and townships of the Commonwealth will aid in reducing the burden of the local taxpayer and result in the improvement of the streets and roads for the safety convenience and economical operation of motor vehicles therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Municipal Tax Relief Act"

Section 2 That the sum of eighteen million nine hundred sixty-three thousand five hundred dollars ($18,963,500.00) is hereby appropriated for the two calendar years beginning January first one thousand nine hundred and thirty-six out of the Motor License Fund said appropriation to be allocated to the cities incorporated towns boroughs and townships of the Commonwealth in the amounts upon the terms in the manner and for the purposes as set forth in this act The sum so appropriated shall be paid out in equal quarterly instalments on the first day of March June September and December the first payment to be made March first one thousand nine hundred and thirty-six No quarterly payment except the first shall be made unless the city borough incorporated town or township shall have first made to the Department of Highways for the preceding quarter a report on forms prescribed prepared and furnished by the department showing the expenditures of the funds received for such previous quarter Such reports shall be transmitted to the department of the Auditor General for audit

Section 3 Of the eighteen million nine hundred and sixty-three thousand five hundred dollars ($18,963,500.00) thus appropriated and transferred the sum of three million dollars ($3,000,000.00) shall be allocated to cities of the first class one million one hundred sixty-three thousand five hundred dollars ($1,163,500.00) to cities of the second class one hundred and sixteen thousand five hundred dollars ($116.500.00) to cities of the second class A one million twenty-seven thousand four hundred dollars ($1,027,400.00) to cities of the third class one million six hundred eighty-six thousand nine hundred dollars ($1,686,900.00) to boroughs and incorporated towns six hundred seventeen thousand two hundred dollars ($617,200.00) to townships of the first class and eleven million three hundred fifty-two thousand dollars ($11,352,000.00) to townships of the second class Where more than one political subdivision is within any classification to which an allocation has been made above the total amount allocated to the class shall be reallocated to the respective political units within such class as follows Fifty per centum of the total amount shall be reallocated as the miles of roads or streets under the jurisdiction within the municipal limits of a political subdivision bears to the total number of miles of roads and streets under the jurisdiction of and within the municipal limits of all the said municipal subdivisions of which

it is a class and the remaining fifty per centum shall be reallocated as the population of a political subdivision bears to the total population of all political subdivisions in the class as ascertained by reference to the last preceding decennial census of the United States

Section 4 Immediately upon the approval of this act the Department of Highways shall prepare such blanks and forms as shall be necessary to enable the proper municipal officials of all the cities boroughs incorporated towns and townships to certify to it the number of miles of roads or streets under their respective jurisdictions and within the respective municipal limits and shall supply copies thereof to such said municipal officials

Section 5 Thereupon the proper officials of the said cities boroughs towns and townships shall file with the Department of Highways and upon the blanks and forms supplied a certificate which shall set forth therein the true and correct number of miles of roads or streets under their respective jurisdictions and within their respective municipal limits

Section 6 Upon receipt of such said certificates the Department of Highways shall immediately certify the same to the State Treasurer if found to be correct and shall also immediately certify to the State Treasurer the amount of the appropriation made by this act as reallocated by the Department of Highways which shall be paid to each city borough incorporated town or township quarterly in accordance with the allocation and reallocation made by and under section three of this act

Section 7 After the receipt of such said certificates the State Treasurer on requisition of the Department of Highways and warrant of the Auditor General shall issue checks quarterlyfor the amounts properly allocated and reallocated unto said political subdivisions and shall pay the same to the treasurer or proper officials of said subdivision In the case of political subdivision where no reallocation is necessary one-eight of the total allocation shall be paid on requisition as aforesaid each quarterly period

Section 8 The money so allocated and reallocated to the various political subdivisions of this Commonealth shall be expended only for the construction and maintenance of the streets roads alleys bridges and drainage facilities under their respective jurisdictions and for no other purpose

Section 9 All of the funds so allocated to the said political subdivisions shall for the purpose of expenditure be under the control and supervision of the proper officials of the city borough incorporated towns or township to which paid and shall be subject to the existing laws governing and regulating the expenditure of tax revenues for street and road purposes of the said cities boroughs incorporated towns and townships including the approval of the Department of Highways where required by existing law The proper officials shall at the time of fixing the tax rate for the years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven reduce said tax rates for road and street purposes by an amount equal to the amount received or receivable under the provisions of this act as compared with the amount levied for road and street purposes for the year one thousand nine hundred and thirty-two provided that a sufficient millage shall be levied to meet requirements of interest sinking fund and repayment of debts of the municipality and necessary expenditures for other than road purposes

Section 10 Any and all of the officials or agents of any of the political subdivisions herein mentioned who shall knowingly make or assent to the making of any false or incorrect certificates as herein provided for or shall knowingly make or assent to the furnishing of any false or incorrect report or information as herein required or shall knowingly use or assent to the use of any of the funds herein allocated for purposes other than herein set forth or contrary to the intent and spirit thereof shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine not exceeding one thousand dollars ($1,000.00) or undergo an imprisonment for a term not exceeding one year either or both in the discretion of the court

Section 11 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 252 (House Bill No. 39), entitled:

An Act to promote the objects of the National Housing Act by authorizing building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to make loans pursuant to titles one and two of the National Housing Act by authorizing executors administrators guardians trustees building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to invest in mortgages insured and in debentures issued by the Federal Housing Administrator by authorizing building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to invest in securities of national mortgage associations and by providing for the use of such bonds debentures and other securities as collateral or deposit security.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 404 (House Bill No. 815), entitled:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined," requiring certain qualifications for the Adjutant General, and establishing a board for the determination and payment of minor damages caused by the National Guard

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers

Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows:

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forsts and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant Generals Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

On the question,

Will the Senate agree to the section?

Mr. CAVALCANTE. Mr. President, I move to amend section 1, page 4, line 4, by inserting after the word "officer" the following: "In ascertaining the service herein required, the time a person served in the army of the United States during any war in which the United States was engaged, shall be computed double."

Mr. PYTKO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the motion as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 That section one thousand four hundred and two of said act is hereby amended by adding thereto the following clause

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries occurring subsequent to July first one thousand nine hundred and thirty-one to persons or damages to property arising out of accident or negligence and incident to the organization training discipline maintenance and service of the Pennsylvania National Guard and upon the recommendation of the board so appointed to adjust and pay such claims for damages Provided however That each such claim shall be in an amount not exceeding two hundred nad fifty dollars ($250) And provided further however That all claims paid hereunder shall be subject to audit by the Department of the Auditor General

The title of the bill was read as follows and agreed to:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" requiring certain qualigcations for the Adjûtant General and establishing a board for the determination and payment of minor damages caused by the National Guard

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 406 (House Bill No. 817), entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No 407 (House Bill No. 851), entitled:

An Act to amend paragraphs one and two of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 681), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" altering qualification requirements for the award of such medals

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 426 (House Bill No. 819), entitled:

An Act to amend sections five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensations for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonizing the act with Federal law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 511 (House Bill No. 965), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 614, as follows:

An Act to add section four hundred and forty-nine to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the third class to appropriate money to county poor districts for hospital purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto the following new section

Section 449 Appropriation by Counties of the Third Class to Poor District for Hospital Purposes The board of commissioners of any county of the third class may upon request of the directors of the poor of any poor district coextensive with the county appropriate moneys not exceeding one hundred thousand dollars ($100,000) to any such poor district for the sole purpose of erecting a new hospital or constructing an addition or additions to any existing poor district hospital

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 675 (House Bill No. 826), entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred four) entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard" making such continuity of service effective for qualification for service medals

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 812 (House Bill No. 694), entitled:

An Act to amend section two of the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, providing for the service of process upon the Secretary of Revenue by registered mail.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. STAUDENMEIER. Mr. President, I move that Senate Bill No. 848, on second reading, entitled:

An Act to provide for sexual sterilization of mental defectives providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties

be recommitted to the Committee on Public Health.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 861 (House Bill No. 1645), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 864 (House Bill No. 1776), entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred fifty) is hereby amended to read as follows

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable upon six months written notice by the Commonwealth and upon such other proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe and unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of Compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

(b) Any department board or commission having control over lands of the Commonwealth underland with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

On the question,

Will the Senate agree to the section?

Mr. REED (Dauphin). Mr. President, I move to amend Section 1, Page 5, line 1, by adding after the word "division" the words "to which no other source of supply is available."

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1017, as follows:

An Act relating to the Pennsylvania State Park at Erie authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants and to acquire by purchase or eminent domain private property rights or interests in respect to any lands within said park

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Forests and Waters acting either directly or through the Pennsylvania State Park and Harbor Commission of Erie shall have power at any time in the name of the Commonwealth to revoke and terminate any revocable grant of any right or privilege to occupy and possess any part of the lands in the city and county of Erie dedicated to the use of the public and known as the Pennsylvania State Park at Erie or any wharf or pier thereon which grant has heretofore been made by any public or municipal agency pursuant to statutory authority Such revocation shall be in such form as shall be approved by the Department of Justice and shall be recorded in the office for the recording of deeds in and for the county of Erie

Section 2 The Department of Forests and Waters shall have power to acquire by purchase or the exercise of the power of eminent domain any outstanding private property right or interest in any lands within the area of the Pennsylvania State Park at Erie The consideration or compensation and costs in connection with such acquisition shall be paid out of any appropriation to the Department of Forests and Waters for park purposes or to the Pennsylvania State Park and Harbor Commission The procedure in any case of eminent domain shall be as prescribed in the act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 984) entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish and defining the powers and duties of the Department of Forestry the Board of Game Commissioners and the Department of Fisheries respectively in relation thereto".

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1039, as follows:

An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That "Deceased Service Persons" Defined The term "deceased service persons" as used in this act shall be defined and construed to mean and include any soldier sailor marine yeoman (f) of either service or member of the enlisted nurse corps having a legal residence within any county within this Commonwealth who has died or shall hereafter die anywhere within or without the United States while in the service of the United States in the military naval or other branch of the combative forces of said United States during any war or campaign in which the United States has been or shall hereafter be engaged or where a state or condition of war has existed or shall hereafter exist in which the United States was or shall be a participant according to the records of the War or Naval Departments of the Federal government or of any soldier sailor marine yeoman (f) of either service or member of the enlisted nurse corps who served or who shall hereafter serve in any such combative force of the United States during any war or campaign in which the United States has been or shall hereafter be engaged or who has served or shall hereafter serve in any such combative force of the United States where a state or condition of war existed or shall hereafter exist in which the United States was or shall be a participant according to the records of the War or Naval Departments of the Federal government whose separation from such active service was honorable whether by discharge or otherwise who has died or may hereafter die in any county of this Commonwealth or who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War and not duly mustered into the service of the United States and has been honorably discharged or relieved from such service and who shall have a legal residence in any county of this Commonwealth and shall hereafter die either within or without the county of his legal residence

Section 2 Sum to Be Spent The county commissioners of any county of the first class of this State within which a deceased service person as hereinabove defined had a legal residence at the date of his death or the county commissioners of such county within which a deceased service person died in case he or she had no legal residence in any county of this Commonwealth upon notice in writing by an organization of veterans that the body is unclaimed by relatives or friends and who upon investigation shall find such condition to exist are hereby authorized and directed to contribute the sum of seventy-five dollars ($75.00) toward the funeral expenses of such deceased service person When a deceased service person has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie Pennsylvania and such home incurs all funeral expenses and buries such person in a cemetery in the city of Erie Pennsylvania or the home furnishes clothing casket and shipping case and ships the body to the county from which he was admitted to the home the county from which he was admitted shall reimburse and pay to the

Pennsylvania Soldiers' and Sailors' Home the amount of seventy-five dollars ($75.00) or so much thereof as was actually expended by such home Provided however That such county commissioners shall not contribute any moneys toward the funeral expenses of such deceased service person where the total expenses of his or her funeral shall exceed four hundred dollars ($400.00) nor unless application for the payment of such moneys shal be made within one year after the date of the death of such deceased service man

Section 3 Burial of Widows of Deceased Service Persons The county commissioners of such county are hereby directed to contribute the sum of seventy-five dollars ($75.00) from the county funds towards the funeral expenses of any widow of any male deceased service man upon due application and proof Provided however That the county commissioners shall not contribute any moneys toward the funeral expenses of any such widow of a deceased service person where the total expense of any such funeral shall exceed four hundred dollars ($400.00) nor unless application for the payment of such moneys shall be made within one year after the date of the death of such widow of a deceased service person

Section 4 Payments It shall be the duty of the county commissioners of each such county in this State to draw a warrant upon the treasurer of their county in the sum of seventy-five dollars ($75.00) for each body buried in accordance with the provisions of this act to be paid out of the funds of the county and such warrants shall be made payable to the applicant or applicants if the application shows that the funeral expenses have been paid otherwise to the undertaker performing the services with notice to the applicant

Application for such contribution shall be made by the personal representative of such deceased service person or deceased service person's widow if there be such personal representative if no such personal representative has qualified then by any next of kin individual or veterans' organization who or which assumes responsibility for the cost of burial of the body and shall be sustained by affidavit as to the facts

Such application shall be on forms prescribed by the Department of Military Affairs and shall set forth whether or not the funeral expenses have been paid The application shall have attached thereto a certified copy of the death certificate and an affidavit by the undertaker who had charge of the burial of the body to the effect that the undertaker did render such service and that the cost of burial did not exceed the sum of four hundred dollars ($400.00)

Section 5 Markers for Graves Headstones The county commissioners of any such county of this State shall from time to time as is considered expedient by the commissioners procure appropriate markers for the grave of each and every deceased service person buried within the limits of such county Such markers shall be of cast bronze which term shall mean a proper composition of the following metals in the following proportions Copper eighty-five per centum tin five per centum zinc five per centum and lead five per centum Provided however That no board of commissioners shall be required to discard any markers of other materials already purchased by such commissioners whether or not already installed but no new markers shall in the future be purchased of metal other than cast bronze as herein defined Upon the petition of any five reputable freeholders of the county a marker shall be placed upon the grave of such deceased service person for the purpose of permanently marking and designating such grave for memorial purposes When such deceased service person shall have been a veteran of any war for which the Government of the United States issued discharge buttons the markers designated for their graves shall include a facsimile of said discharge button The county commissioners may upon the petition of any five reputable freeholders of the county of which any deceased service person may have been a resident place such marker upon his or her grave when he or she is buried without the limits of said county

It shall also be the duty of the county commissioners of such county upon or at any time subsequent to the death of any deceased service person who shall be buried within their counties on the application which application in all cases shall be on forms prescribed by the Department of Military Affairs of any relative or on the application of any friends of such deceased service person if such application by friends has been approved by any organization of veterans of any war in which the United States was engaged and provided that there be no objection by the nearest relative to cause a headstone or bronze memorial tablet to be placed at the head of or on the grave of each deceased service person containing his or her name and and the rank and organization to which he or she belonged or in which he or she served in letters raised or cut in at least three-sixteenths of an inch deep on such headstone to be of either marble or granite and to be placed or set in a concrete base at least three feet deep or if a headstone has been provided for such grave by the United States Government the county commissioners shall provide such concrete base therefor and the expense for the same shall be paid out of the funds of the county in which such deceased service man died or shall have had his legal residence or if lettering only on an existing memorial is desired by the family the county commissioners shall provide such lettering Provided however That the expense shall not exceed the sum of fifty dollars ($50.00) for each headstone or concrete base or lettering or bronze marker and the county commissioners of each such county acting under this section shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze marker No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners Such application shall be accompanied by a death certificate if procurable

Section 6 Care of Graves and Markers The county commissioners of each county of the first class in this State shall at all times see that the graves and tombstones of all deceased service persons who are buried in such county receive proper and fitting care and may employ all necessary assistance to carry out the provisions of this section The expense of the care of such graves and tombstones shall be borne by the respective counties where said graves are located except where suitable care is otherwise provided Money so appropriated may be expended directly by the county commissioners or paid over to the person firm association or corporation owning or controlling any cemetery or burial place in the county where any such grave is situated but the sum so paid over in any year shall not exceed for each grave the charge for the annual care and maintenance of like graves in the same cemetery or if no such fixed charge is established in that cemetery it shall not exceed the sum charged in other cemeteries in the same county for like service

Section 7 Flags to Decorate Graves It shall be the duty of the county commissioners to provide flags on each Memorial Day with which to decorate the graves of all deceased service persons buried within the county The flags to be used for said purposes shall be of one standard size and shall be purchased at the expense of the county from moneys in the county treasury

Such flags shall be furnished to the various veterans' organizations in such numbers as they shall require for their respective communities

The moneys expended by any such county under the provisions of this section shall be in addition to moneys appropriated by counties for Memorial Day purposes

The authorities in charge of any cemetery are authorized to remove such flags when the same become unsightly or weather-worn at any time not less than ninety days after the flags have been placed on graves

Section 8 Compilation of War Records The county commissioners of each county of the first class in the State are hereby authorized and directed at the expense of the county to compile a record of the burial places within such county of deceased service persons Such record so far as practicable shall indicate the name of each such person the service in which he or she was engaged the number of the regiment or company or command the rank and period of service the name and location of the

cemetery or other place in which his or her body is interred the location of the grave in such cemetery or other place and the character of headstone or other marker if any at such grave Such record shall be known as the "Veteran's grave Registration Record of ..... County and shall be a public record open to inspection during business hours

The county commissioners of each county of the first class shall cause record blanks to be prepared according to forms furnished by the Department of Military Affairs whereby the information required for such record may be transmitted to them Every person firm association or corporation including a municipal corporation owning or controlling any cemetery or burial place within a county of the first class in which are interred the bodies of deceased service persons shall file with the county commissioners of such county in which such cemetery is located a certificate on the record blanks provided by said county commissioners of the facts required for such record as far as the same are within the knowledge of such person firm association corporation or the agents thereof The county commissioners shall cause record blanks to be distributed to such persons firms associations and corporations as they deem advisable with the request that such information be transmitted to them Any such person firm association or corporation except municipal corporations upon receipt of such blanks or forms who shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same shall be subject to a fine upon conviction in summary proceedings of one hundred dollars ($100.00)

For the purpose of locating the burial places of deceased service persons the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War through their local camps posts and branches in this State are authorized without expense to the county to collect the required data and prepare and file with the county commissioners certificates embodying the information provided for in this section For the purpose of carrying into effect the provisions of this section the county commissioners shall appoint a veterans' grave registrar who shall receive such compensation as the salary board may fix

Section 9 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1052 (House Bill No. 1521), entitled:

An Act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 150 (House Bill No. 147), entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for a second reading.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1594

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1594.

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Act, page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1594, entitled:

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Act, page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEE

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Finance reported as amended, Senate Bill No. 990 (House Bill No. 1631), entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties.

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Finance reported as amended, Senate Bill No. 661 (House Bill No. 862), entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Finance reported as amended Senate Bill No. 594 (House Bill No. 1128), entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue and providing penalties.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Municipal Government reported as committed, Senate Bill No. 698 (House Bill No. 1267), entitled:

An Act to repeal the act approved the first day of June one thousand nine hundred and fifteen (P. L. 66) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 699 (House Bill No. 1268), entitled:

An Act to repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (P. L. 250) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 797 (House Bill No. 1633), entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (P. L. 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of Justices of the peace in such consolidated boroughs.

BILLS INTRODUCED

Mr. GRAFF. Mr. President, I ask unanimous consent to read a bill in place at htis time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GRAFF read in place and presented to the Chair, Senate Bill No. 1173, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in place and presented to the Chair, Senate Bill No. 1174, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Armstrong.

Which was committed to the Committee on Highways.

Also read in place and presented to the Chair Senate Bill No. 1175, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act estalishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Armstrong.

Which was committed to the Committee on Highways.

Also read in place and presented to the Chair Senate Bill No. 1176, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construc-

tion, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Armstrong.

Which was committed to the Committee on Highways.

Also read in place and presented to the Chair Senate Bill No. 1177, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

RESOLUTION RELATIVE TO REMOVING OBSOLETE MATTER FROM BILL FILES.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED offered the following resolution which was twice read considered and agreed to:

In the Senate, May 1, 1935.

Whereas, the files of Senate and House Bills on the desks of Senators contain so much obsolete matter, that the said files can not be conveniently used by Senators; therefore be it

Resolved, That the Secretary of the Senate be directed to remove from the said files, all obsolete matter, and that in carrying out the intent of this resolution, the Secretary of the Senate shall direct from time to time in his discretion, employees of the Senate to remove all obsolete bills as he shall designate, to the end that the said files shall contain only such bills which are actively before the Senate. The Secretary of the Senate is further directer to provide complete sets of all bills at places conveniently accessible on the floor of the Senate.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and deferred to the Committee on Executive Nominations:

MEMBERS OF MILK CONTROL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmaion:

Paul O. Sunday, of Carlisle, Cumberland County, as a member of the Milk Control Board to serve until April 30, 1937.

A. C. Marburger, of Evans City, Butler County, as a member of the Milk Control Board to serve until April 30, 1937.

GEORGE H. EARLE.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILLS NOS. 149 AND 519

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 149, Printer's No. 314, entitled, "An Act Authorizing the selection of two additional jurors in civil and criminal cases to take the place of any juror or jurors who die become ill or are discharged for legal cause."

Senate Bill No. 519, Printer's No. 240, entitled, "An Act Prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field."

GEORGE H. EARLE.

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

William A. Walker, of Warren, Warren County, as a Workmen's Compensation Referee, vice G. Scott Smith, removed from office, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 4

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 4, Printer's No. 308, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

The PRESIDENT. The bill will lie on the table.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 420 (House Bill No. 181), entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 594 (House Bill No. 1128), entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 661 (House Bill No. 862), entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 698 (House Bill No. 1267), entitled:

An Act to repeal the act approved the first day of June one thousand nine hundred and fifteen (P. L. 66) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 699 (House Bill No. 1268), entitled:

An Act to repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (P. L. 250) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 797 (House Bill No. 1633), entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (P. L. 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 805, entitled:

An Act making an appropriation to the George F. Geisinger Memorial Hospital, Danville, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 990 (House Bill No. 1631), entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1150, entitled:

An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; assignating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn.

Mr. BAUMER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5.43 P. M. until 9:00 o'clock Monday evening, May 6, 1935.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 1, 1935.

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Marshall L. Shephard, a member of the House, offered the following prayer:

The Heavens above declare the glory of God and the firmement showeth forth His handiwork. Day unto day uttereth speech and night unto night showeth knowledge. We thank Thee, Heavenly Father, for the spring season and for the hope or renewal of the new life that it will bring. We pray Thee that our spirit may experience that hope of new life that is guaranteed in Thy word; They that wait on the Lord shall renew their strength, they shall mount up on wings like eagles, they shall run and not grow weary, they shall walk and not faint. Bless us as we face the duties of this Session, and we pray Thy blessings upon the Speaker and the members of this House and their families and their friends. Through Jesus Christ our Lord and for His sake, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GEORGE E. DOWNEY, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled, as follows:

SENATE BILL No. 249. (HOUSE BILL No. 2805).

An Act to further amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (P. L. 88) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued providing that no affidavit of defense shall be required before the return day of the writ

Referred to the Committee on Judiciary General.

SENATE BILL No. 603. (HOUSE BILL No. 2806).

An Act to amend section six of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 857), entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections, and their enrollment as members of political parties as a further condition of their right to vote at primaries, in cities of the first class of this Commonwealth, by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein; defining the jurisdiction of said commissions, and the powers and duties of the commissioners constituting same, and of their appointees, including registrars, inspectors of registration, clerks, and counsel, fixing their qualifications, terms of office, and compensation; granting them certain immunity from arrest on registration days; and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence, as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof, to copy or demand a list of the lodgers therein, and to supervise the conduct of registrars; regulating the registration of electors at polling places by registrars, and at the offices of commissions by commissioners, and the right of parties or bodies of electors to have watchers thereat, and the preparation and use of street lists and other records of those registered, allowing the names of persons not entitled to vote to be struck from the registers in certain cases, permitting all records regarding registration to be inspected and copied by any elector under certain conditions; directing how the registers shall be used at elections and primaries; compelling the attendance of witnesses and payment of witness fees; and providing penalties for refusal to obey subpoenas; directing receivers to taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths, sign subpoenas and vouchers, and to collect and disburse witness fees; prescribing a method for challenging persons applying for registration, and the procedure for the correction of registers, and for appealing from actions of registrars to said commissions; and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas; imposing certain duties upon election officers and upon the councils, treasurers, controllers, receivers of taxes, police officers, and other officials of said cities and upon the courts, judges, prothonotaries, sheriffs, commissioners, peace officers, and other officials of the judicial districts and counties in which said cities are situated of with which they are coextensive; legalizing certain acts required hereby if done on any Sunday or legal holiday; requiring said cities to provide for the maintenance of said commissions, and the compensation of their appointees, and the payment of all expenses necessary to carry out the provisions of this act, and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions; punishing and fixing penalties for violations hereof; and repealing all legislation inconsistent herewith," changing the qualifications of persons to be appointed as registrars.

Referred to the Committee on Elections.

SENATE BILL No. 804. (HOUSE BILL No. 2807).

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue and the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fines and costs imposed before the restoration of operating privilege in certain cases

Referred to the Comittee on Highways.

SENATE BILL No. 283. (HOUSE BILL No. 2808).

An Act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 347. (HOUSE BILL No. 2809).

An Act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws seven hundred seven) entitled "An act fixing the liability of the counties poor districts and the Commonwealth for the support of the indigent and partly indigent insane in State institutions" as amended providing for credits first to counties and poor districts when only a portion of the cost and maintenance of insane is collected.

Referred to the Committee on Counties.

SENATE BILL No. 348. (HOUSE BILL No. 2810).

An Act to amend the title and reenact and amend sections one and two of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" further defining the duties of coroners.

Referred to the Committee on Counties.

SENATE BILL No. 875. (HOUSE BILL No. 2811).

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act by changing and abandoning a portion of route Number 35018 in Township of South Abington in Lckawanna County.

Referred to the Committee on Highways.

SENATE BILL No. 1055. (HOUSE BILL No. 2812).

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes.

Referred to the Committee on Appropriations.

SENATE BILL No. 1111. (HOUSE BILL No. 2813).

An Act making an appropriation to the J. C. Blair Memorial Hospital of Huntingdon Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1112. (HOUSE BILL No. 2814).

An Act making an appropriation to the Nason Hospital Association of Roaring Spring Blair County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1113. (HOUSE BILL No. 2815).

An Act making an appropriation to the Altoona Hospital of Altoona Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1114. (HOUSE BILL No. 2816).

An Act making an appropriation to the Mercy Hospital of Altoona Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1115. (HOUSE BILL No. 2817).

An Act making an appropriation to the Blair County Children's Home at Williamsburg Pennsylvania.

Referred to the Committee on Appropriations.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk

BLUE LAWS

A petition from Men's Bible Class of Emanuel E. C. Church, Bethlehem, protesting passage of anti-sabbath legislation.

Referred to the Committee on Law and Order.

TEACHERS COLLEGES

A resolution from Clarion Council No. 559, Junior Order United American Mechanics urging maintenance of Clarion Teachers College.

Referred to the Committee on Education.

HIGHWAY

A petition from citizens of Buffalo Township, Perry County, addressed to Mr. James Snyder, praying for completion of state highway in Buffalo Township.

Referred to the Committee on Highways.

HIGHWAY FUNDS

Resolutions from Township Board Supervisors urging passage of House Bill No. 977.

Referred to the Committee on Highways.

RELIEF

A communication from the Luzerne County Unemployed League, Inc., protesting passage of House Bills Nos. 2554 and 2555.

Referred to the Committee on Boroughs and Townships.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 29, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 4, Printer's No. 308, entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys

collected into the State Treasury; and making an appropriation thereof; and providing penalties," as requiring chiefs of police or boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because or rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs" be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 247.

An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" giving courts discretion with respect to certain surcharges against county commissioners

HOUSE BILL No. 284.

An Act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest

HOUSE BILL No. 1064.

An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" amplifying contractural rights as to joint sewers

HOUSE BILL No. 1698.

An Act to amend sections three five seven eight ten twelve and thirteen of and to add section fifteen A to the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act

HOUSE BILL No. 1865.

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (P. L. 171), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers' Orphans' Industrial Schools' and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

Whereupon, The Speaker in the Presence of the House signed the same.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE.

SENATE BILL No. 256.

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit.

Said bill having been recalled from the Governor for amendement, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 20, by striking out after the word "directed" the words "or by the sheriff of Dauphin County who may be deputized for such purposes by the officer to whom the service is directed"; also on line 24, by striking out after the word "by" the words "leaving at the office of said secretary," and inserting in lieu thereof the words "sending by registered mail postage prepaid;" also on page 3, line 2, by striking out after the word "return" the word "receipt" and inserting in lieu thereof the kords "receipts of the secretary of Revenue and."

Amend Section 4, page 3, line 13, by striking out after the word "become" the word "residents" and inserting in lieu thereof the word "nonresidents."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Duffort,	McDermott,	Shugarts,
Alexander,	Eberharter,	McDevitt,	Siegel,
Allen,	Falkenstein,	McElroy,	Simon,
Altenburg,	Ferko,	McHenry,	Simpson,
Andrews,	Finnerty,	McKinney,	Sinwell,
Arnold,	Fitch,	Melchiorre,	Sloan,
Atkins,	Flanagan,	Mentzer,	Smith, J. A.,
Aukerman,	Flinchbaugh,	Merrell,	Smith, W. G.,
Baine,	Flynn,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Forrest,	Moore,	Snyder, J. L.,
Baker, J J.,	Furman,	Moran,	Sowers,
Barber,	Gates,	Moul,	Spangler,
Barnhardt,	Gerard,	Muir,	Sproul,
Bernhard,	Green,	Murrin,	Stank,
Blumberg,	Greenstein,	Nagel,	Stevens,
Boose,	Habbyshaw,	Nothnagle,	Stewart,
Boyd, R.,	Haberlen,	O'Keefe,	Stone,
Boyer,	Hagerty,	Ominsky,	Stott,
Bradley,	Haluska,	O'Neill,	Sumney,

Brancato,	Hamilton, R. S.,	Panton,	Surface,
Brennan,	Harkins,	Patterson, C.,	Tahl,
Brown, H. S.,	Harmuth,	Patterson, J. W.,	Trout,
Brown, J. E.,	Hart,	Pearson,	Tumelty,
Brownfield,	Hartman,	Perry,	Turner,
Brumbaugh,	Hermansen,	Peters,	Van Sickle,
Burke,	Hindman,	Pfaff,	Walker,
Cannon,	Hirsch,	Phillips,	Wall,
Caputo,	Hoffner,	Piole,	Wasserman,
Carr,	Holstrom,	Powers,	Weidemann,
Carson,	Hoopes,	Reising,	Weiss,
Castor,	Horst,	Reynolds,	Welliver,
Chervenak,	Jones,	Rhys,	Welsh,
Coakley,	Kelder,	Rinn,	Westrick,
Cochran,	Kelso,	Roan,	White,
Cohen,	Kinney,	Robinson,	Wickersham,
Coleman,	Klingler,	Ruffennach,	Wilson,
Conner,	LaRue,	Ruth,	Winner,
Coolahan,	Linderman,	Scanlon,	Witkin,
Cordier,	Long,	Schrock,	Wood,
Decker,	Longaker,	Schrope,	Woodside,
Denning,	Lovett,	Schwab,	Yeakel,
Dent,	Lynch,	Shaw,	Yourishin,
Diehl,	Male,	Shepard,	Zappala,
Dilley,	Mason,	Shortz,	Zimmerman,
Downey, G. E.,	McCreary,	Shreiner,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 70.

An Act to amend sections one seven fifteen and twenty-three as amended and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duites upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, inserting after the word "one" the word "and;" also by inserting after the word "seven" the words "as amended clauses (a) and (d) and clause (g) as amended of section; also by inserting after the word "and" the words "clauses (b) and (c) as amended of section; also by striking out after the word "twenty-three" the words "as amended."

Amend Section 2, page 8, line 8, by striking out after the word "all" the word "movements" and inserting in lieu thereof the word "movement."

Amend Section 4, page 14, line 10, by inserting after the word "shall" the word ""also" and by striking out after the word "entered" the word "also."

Amend Section 6, page 17, line 10, by striking out after the figure "26" the word "Provisions" and inserting in lieu thereof the word "Provision;" also on page 18, by striking out after the word "body" the word "effected" and inserting in lieu thereof the word "affected."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Downey, J. J.,	McDermott,	Shugarts,
Alexander,	Duffort,	McDevitt,	Siegel,
Allen,	Eberharter,	McElroy,	Simon,
Altenburg,	Falkenstein,	McHenry,	Simpson,
Andrews,	Ferko,	McKinney,	Sinwell,
Arnold,	Finnerty,	Melchiorre,	Sloan,
Atkins,	Fitch,	Mentzer,	Smith, J. A.,
Aukerman,	Flanagan,	Merrell,	Smith, W. G.,
Baine,	Flinchbaugh,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Flynn,	Mooney,	Snyder, J. L.,
Baker, J J.,	Forrest,	Moore,	Sowers,
Baldi,	Furman,	Moran,	Spangler,
Barber,	Gates,	Moul,	Sproul,
Barnhardt,	Gerard,	Muir,	Stank,
Bernhard,	Green,	Murrin,	Stevens,
Blumberg,	Greenstein,	Nagel,	Stewart,
Boose,	Habbyshaw,	Nothnagle,	Stone,
Boyd, R.,	Haberlen,	O'Keefe,	Stott,
Boyer,	Hagerty,	Ominsky,	Sumney,
Bradley,	Haluska,	O'Neill,	Surface,
Brancato,	Hamilton, R. S.,	Panton,	Tahl,
Brennan,	Harkins,	Patterson, C.,	Trout,
Brown, H. S.,	Harmuth,	Patterson, J. W.,	Tumelty,
Brown, J. E.,	Hart,	Pearson,	Turner,
Brownfield,	Hartman,	Perry,	Van Sickle,
Brumbaugh,	Hermansen,	Peters,	Walker,
Burke,	Hindman,	Pfaff,	Wall,
Cannon,	Hirsch,	Phillips,	Wasserman,
Caputo,	Hoffner,	Powers,	Weidemann,
Carr,	Holstrom,	Reising,	Weiss,
Carson,	Hoopes,	Reynolds,	Welliver,
Castor,	Horst,	Rhys,	Welsh,
Chervenak,	Jones,	Rinn,	Westrick,
Coakley,	Kelder,	Roan,	White,
Cochran,	Kelso,	Robinson,	Wickersham,
Cohen,	Kinney,	Ruffennach,	Wilson
Coleman,	Klingler,	Ruth,	Winner,
Conner,	LaRue,	Scanlon,	Witkin,
Coolahan,	Linderman,	Schrock,	Wood,
Cordier,	Long,	Schrope,	Woodside,
Decker,	Longaker,	Schwab,	Yeakel,
Denning,	Lovett,	Shaw,	Yourishin,
Dent,	Lynch,	Shepard,	Zappala,
Diehl,	Male,	Shortz,	Zimmerman,
Dilley,	Mason,	Shreiner,	Sarig,
Downey, G. E.,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

Mr. Phillips asked and obtained leave of absence for Mr. DAVIES.

Mr. RINN asked and obtained leave of absence for himself for the balance of the week.

Mr. SIMON asked and obtained leave of absence for himself for tomorrow.

Mr. O'Neill asked and obtained leave of absence for Mr. MUNLEY for the balance of the week.

Mr. FRANCES T. BAKER asked and obtained leave of absence for himself for tomorrow.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL 1815

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate Recalling from the Governor House Bill No. 1815, Printer's No. 554, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. DENT. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. DENT. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. DENT. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 2 by adding after line 19 the following new section:

Section 2 This act shall become effective immediately upon its final enactment

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing

REPORTS FROM COMMITTEES

Mr. RUTH from the Committee on Education reported as amended House Bill No. 2527, entitled:

An Act providing for special vocational trade, industrial and commercial schools and classes, in cooperation with school districts and employment, reemployment and adjustment offices, for the training, re-training and instruction of certain persons in order to enable them to enter, re-enter or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction; and making an appropriation.

Mr. O'NEILL from the Committee on Boroughs and Townships reported as committed House Bill No. 2576, entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to acquire, maintain, and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities.

Mr. LaRue from the Committee on Fisheries reported as committed House Bill No. 2539, entitled:

An Act to amend the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," by adding a new section thereto authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act; and providing for the payment of all moneys received thereby into the General Fund.

Mr. ROBINSON from the Committee on State Government reported as committed, House Bill No. 2356, entitled:

An Act requiring the Commonwealth and all of its departments, boards and commissions, all State institutions, all school districts, and all institutions and agencies of every kind that receive appropriations from the State, in making purchases, to give preference to articles produced, manufactured, made, milled or mined in this Commonwealth; regulating bids for contracts; and prescribing penalties.

Mr. HALUSKA from the Committee on Forestry reported as committed, House Bill No. 2250, entitled:

An Act providing for the payment from the General Fund to the Federal Government of certain moneys derived as net profits from Emergency Conservation Projects and lands acquired from the Federal government.

Mr. JOHN J. BAKER from the Committee on State Government reported as committed, House Bill No. 2302, entitled:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor.

Mr. SHUGARTS from the Committee on State Government reported as committed, House Bill No. 2495, entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions; and defining the powers and duties of said department in relation thereto.

Mr. DECKER from the Committee on Agriculture reported as committed, House Bill No. 2393, entitled:

An Act to amend section one as amended, sections two and three, sections four and five as amended, and sections six, eight, nine, eleven and twelve of, and to add section fourteen A to, the act approved the sixth day of May, one thousand nine hundred and twenty-five (P. L. 541), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing, testing, buying, and selling of milk and cream; providing for the examination and appointment of certified testers and the issuing of licenses and making of tests; and providing penalties," further regulating the issuing of permits; prohibiting the taking of unfair and inaccurate samples; requiring licensed testers to keep certain records; prescribing fees for examinations; providing for tests for official inspections and records; further regulating the weighing and testing of milk and cream; providing for notices to parties affected by tests; providing for sales by butterfat test; and empowering the Secretary of Agriculture to adopt rules and regulations.

Mr. ACHTERMAN from the Committee on State Government reported as committed, House Bill No. 2541, entitled:

An Act providing that the Pennsylvania Rural Rehabilitation Corporation be recognized and designated as an agency of the Commonwealth to assist in the rehabilitation of individuals and families as self-sustaining citizens, and authorizing the various officers, boards, courts and governing bodies of the Commonwealth engaged in the relief of destitution and unemployment to cooperate with said corporation.

Mr. PIOLE from the Committee on Boroughs and Townships reported as amended, House Bill No. 1564, entitled:

An Act to amend the act approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 903), entitled "A supplement to an act approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county, including assessment of property, levying and collection of taxes, making municipal improvements, and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws, and primary, general, municipal, and special elections; and repealing inconsistent laws," extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate.

Mr. HOOPES from the Committee on Cities reported as committed, House Bill No. 1515, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as amended; by excluding certain brokers and agents.

Mr. SIEGEL from the Committee on Fisheries reported as committed, House Bill No. 2558, entitled:

An Act to further amend section two hundred and eighty-five of, and to add a new section to the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act; and providing for the payment of all moneys received thereby into the General Fund.

Mr. YEAKEL from the Committee on Fisheries reported as committed, House Bill No. 2216, entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the establishment of nursery waters.

Mr. SURFACE from the Committee on Fisheries reported as committed, House Bill No. 2477, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by making it unlawful to interfere with dams, deflectors, retards or similar devices.

Mr. WOOD from the Committee on Agriculture reported as amended, House Bill No. 1738, entitled:

An Act to amend the title and sections one, two, three and four of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled "An act relating to domestic animals, and providing for their appraisement when about to be slaughtered to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," providing for the appraisement of condemned animals; denying compensation for dying and dead animals; regulating the disposition of appraised animals, the payment of salvage and the rendering of statements thereof; and empowering the Department of Agriculture to adopt rules and regulations.

Mr. JOHN J. BAKER from the Committee on Cities reported as amended, House Bill No. 2804 (Senate Bill No. 1015), entitled:

An Act to amend sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (P. L. 7), entitled "An act to enable cities that are now or may hereafter by contiguous or in close promimity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consoldation the temporary government of the consolidated city payment of the indebtedness of each of the United territories and the enforcement of debts and claims due to or from each" by requiring a majority vote in each city and in the intervening land voting on the question of consolidation.

Mr. TURNER from the Committee on Banking re-reported as amended, House Bill No. 2139, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders-attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business.

BILL RE-REFERRED

Mr. WOODSIDE returned from the Committee on Education with the recommendation that it be re-referred to the Committee on Elections, House Bill No. 2421, entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections, and their enrollment as members of political parties as a further condition of their right to vote at primaries; abolishing the existing registration commissions in such cities, and requiring the county commissioners of counties in which such cities are situated, or with which such cities are coextensive, to act as a registration commission for such cities; prescribing the powers and duties of citizens, parties, bodies of electors, election officers, city councils, city treasurers, city controllers, police officers, civil service commissions, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registers of vital statistics, and boards of school directors.

The SPEAKER. The bill is now re-referred to the Committee on Elections.

Mr. RUTH from the Committee on Rules reported as committed Senate Resolution, Serial No. 120.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 25, 1935.

Resolved, (if the House of Representatives concur) That there is hereby established the Joint Legislative Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding, and cooperation between the State of Pennsylvania and the other states of the Union, both regionally and nationally;

The Commission shall report to the Governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. Its members shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this resolution. It may employ a secretary and such other assistants as are needed in the performance of its duties, or it may share the expense of such employment with similar commissions of other states. An item of appropriation shall be inserted in the general appropriation law to pay such expenses and secretarial and clerical assistance;

The said Commission shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate;

The five members of the Committee on Interstate Cooperation of the House of Representatives, and

Five officials of the State named by the Governor, one of whom shall be designated by him as the chairman of the Commission;

The Secretary of the Commonwealth shall forthwith communicate the text of this measure to the legislature of each of the other states of the Union, with the respectful request that each legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition, and conflict.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION NO. 123

Mr. RUTH. Mr. Speaker, I desire to call up Resolution No. 123, Printer's No. 814.

In the House of Representatives, April 15, 1935.

Whereas, William Penn as Proprietary came to Pennsylvania and organized the provincial and local government; sat as first Governor on the Provincial Council, Assembly and Courts, exemplifying in these executive and legislative functions the principles of democracy which have had perpetual embodiment not only in the sovereign State he founded, but in the Nation as well; evidenced his statesmenship by promoting:

1. The idea of religious toleration practiced on a greater and grander scale than ever before, where the oppressed of all nations should have freedom and the opportunity to worship God according to the dictates of their own conscience.
2. The establishment of a real democracy as seen in his various frames of government, the latest of which, the Charter of Privileges of 1701, served the colony for seventy-five years, and the new Constitution of the State of Pennsylvania of 1776 is largely modeled upon it.
3. Just and fair dealings with subordinate peoples.
4. Humane and just treatment of criminals, particularly in the infliction of capital punishment.
5. The suggestion of one central mint and a common value of coin throughout the American colonies.
6. The settlement of the boundaries with France so as to give England the South side of the St. Lawrence and the Great Lakes, which settlement eventually established the present northern boundaries of the United States.
7. The idea of federation of the colonies with suggestions which later were embodied in the Constitution of the United States.
8. The idea of a Parliament of Nations.

Therefore be it

Resolved, That this Assembly, in session this 15th day of April, 1935, endorses the submission to the Electors of the Hall of Fame for Great Americans the name of Pennsylvania's first Governor, William Penn, statesman, for a place in such Hall of Fame. Recommending to the Electorate honorable consideration of his contribution to the political thought of his time rarely, if ever, equaled.

And it is hereby

Resolved Further, That the Governor of the Commonwealth be requested to forward forthwith a copy of this Resolution to "The College of Electors of the Hall of Fame," Dr. Robert Underwood Johnson, Director, 745 Fifth Avenue, New York City.

RESOLUTION

ELECTRICAL ROLL CALL SYSTEM

Mr. HARMUTH offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was read by the Clerk for the information of the House as follows:

In the House of Representatives, May 1, 1935.

Whereas, It appears from experience in other states in the Union that the installation of an electrical roll call system in the legislative bodies of said states has proved entirely desirable and practical; and

Whereas, Because of its large membership, a great part of the time of the Pennsylvania House is taken up in roll calls; and

Whereas, It appears that the installation of an electrical roll call system would not only result in a great saving of time in the conduct of the business in the House of Representatives in the Commonwealth of Pennsylvania, but would result in a substantial saving of money to the taxpayers of the State; therefore, be it

Resolved, That an electrical roll call system be installed by the Department of Property and Supplies in the chamber of the House of Representatives of the Commonwealth of Pennsylvania before the next Session of the General Assembly, such system to be substantially of the same kind and character as that which has heretofore been installed in the Capitols of Virginia, Wisconsin, Louisiana, Nebraska, Iowa, Texas, California, and West Virginia, all of which have adopted and installed an electrical roll call system; be it further

Resolved, That an item of appropriation to the Department of Property and Supplies, sufficient to pay for the installation of said system, be included in the General Appropriation Bill.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections? The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk under the rules.

RESOLUTION

RECALLING HOUSE BILL NO. 445 FROM THE GOVERNOR

Mr. SCHROPE offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, April 29, 193.

Resolved (if the Senate concur), that House Bill No. 445, Printer's No. 154, entitled "An act supplementing the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled 'An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' by providing additional credit for service and prior service for State employes who were formerly employed as teachers principals or superintendents in the public school system of the Commonwealth," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTIONS

SYMPATHY EXTENDED ON DEATH OF HON. CLYDE KELLY

Mr. WEISS offered the following resolution which was twice read, considered and unanimously adopted.

In the House of Representatives, May 1, 1935.

Honorable Clyde Kelly, legislator, statesman, newspaper editor and author, is dead as the result of an unfortunate accident;

In 1900 he founded the "Braddock Leader," later uniting it with the "Daily News" and "Evening Herald" under the name of "The Daily News Herald." He was elected as a member of the House of Representatives of this Commonwealth in 1910, and to Congress in 1912, in which body he served continuously for more than twenty years. During his long and memorable service in Congress he became the author of many postal laws and was known as the "father of the air mail laws." His three works in the field of literature—"Machine-Made Legislation," "Community Capitol" and "U. S. Postal Policy" are well known and standard texts;

In his public career he served the people of his community and this State ably and with distinction, and his passing leaves a void in his community that must remain unfilled; therefore be it

Resolved, That this House extend its profound sympathy to the members of the family of the Honorable Clyde Kelly, that this resolution be spread upon the Legislative Journal, and that a copy thereof be sent to the family of Honorable Clyde Kelly by the Chief Clerk of this House.

RESOLUTION NO. 136

Mr. HALUSKA. Mr. Speaker, I desire to call up at this time Resolution No. 136, Printer's No. 812.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 18, 1935.

Whereas, It is the opinion of many persons that a great part of the market for Pennsylvania bituminous coal has been lost by reason of high freight rates and the depreciation of foreign currencies, which make possible low price labor in those countries and lower cost of water transportation; and

Whereas, Railroads and other carriers involved would be largely compensated for any reduction in rates by the increased volume of bituminous coal which would be shipped as a result of restored markets for this commodity; and

Whereas, The House of Representatives has made every endeavor to uphold standards of working conditions and wages of the mining industry of Pennsylvania, which must inevitably suffer if the serious reductions of the bituminous market should continue and increase; therefore be it

Resolved, That the Speaker of the House of Representatives appoint seven members of the House of Representatives to constitute a committee, as non-political as possible, whose duty it shall be to investigate the cost of transportation from the bituminous producing regions of Pennsylvania to consumption points in maritime Canada and New England, and the seaports of New York, New Jersey and Pennsylvania; and that if said committee find that high rates have materially reduced or will materially reduce the market for Pennsylvania bituminous coal in competition with coal produced in Great Britain or other foreign countries or in competition with fuel oil selling at unreasonably low prices due to world wide over-production of cheap grades of crude oil to endeavor to secure lower freight rates to the markets above mentioned by negotiation with carriers involved and if necessary by requesting the Interstate Commerce Commission to revise and reduce such transportation rates as are within their jurisdiction; and be it further

Resolved, That said committee make its report to the House of Representatives at the present session of the Legislature; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

RESOLUTION NO. 72

Mr. CANNON. Mr. Speaker, I desire to call up at this time Resolution No. 72, Printer's No. 833.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 27, 1935.

Whereas, The Northeast Section of the City of Philadelphia being an important section of the industrial Northeast District of Philadelphia; and

Whereas, The City of Philadelphia has on its files a complete survey together with a comprehensive plan for the rehabilitation of Frankford Creek; and

Whereas, There is need for an adequate highway from the Northeast Section of Philadelphia to the center of the city, therefore, the opening of Aramingo Boulevard and the repaving of Aramingo Boulevard and the repaving of East Lehigh Avenue B Street to Richmond Street and is still being requested; and

Whereas, The serious pollution of the Delaware River exists along the banks and docks due to the low capacity of the sewage disposal plant in the Forty-fifth ward, therefore, the said Northeast Section is still on the map seeking improvements necessary; and

Whereas, Employment still sought by those in distress, the projects requested would grant an opoprtunity to obtain domestic happiness by granting employment for the person willing to work.

Resolved, That the rehabilitation of the Frankford Creek, the opening of Aramingo Boulevard, the repaving of Aramingo Boulevard and Lehigh Avenue, and the enlargement of the city sewage treatment plant, be included in the inventory of the public projects as an economic value in this community in addition creating employment urging the Pennsylvania State Public Works administration to approve these projects; be it further

Resolved, That a copy of this resolution be forwarded to the Pennsylvania State Public Works Administration by the Chief Clerk of the House of Representatives.

On the question,

Will the House adopt the resolution?

Mr. CANNON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend as follows page 1, line 11, by striking out after the word "Avenue," the word "and" and insert in lieu thereof, the word "from"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House adopt the resolution as amended?

It was adopted.

STATEMENT BY MR. BERNHARD

Mr. BERNHARD asked and obtained unanimous consent to make the following statement:

Mr. SPeaker and members of the House, for the past three and one-half months I have listened to members talking about millions of people in Pennsylvania starving or who will starve if we do not pass certain tax measures. I have listened to statements from the Governor's office and from Washington stating that Federal Relief Administrator Hopkins would stop relief money for Pennsylvania if the Pennsylvania Legislature would not soon pass tax measures that would prove to him that Pennsylvania is willing to do its share in supplying funds.

The Democratic majority in the House state that the Governor's Tax program is the only program while the Republican Senate states, "May be so, but we doubt it."

We have spent all this time on temporary relief and have used but very little time in considering just why this elusive recovery is still "around the corner."

We who are labor representatives have our ideas just why we can not catch up with elusive bird. Let us go back to the period of the World War when we sent the able-bodied men to France. We were immediately confronted with a shortage of labor in this country. We were confronted with the fact that it was necessary to conscript members of the so-called weaker sex to perform work that was formerly done by men. Those who were here during the 1933 Session will remember a bill that was introduced that had for its purpose the prohibiting of women working in foundries. Even then there continued a shortage of labor.

The next step was the invention of machines to take care of this shortage. Then the war came to an end and an army of men returned to take their station in life. In many cases men replaced women in industries, but, not so with the machine. We still continued to invent labor-saving machines and devices that had for their purpose the easing of the burden of those who toil. A very good thought, but which has now turned out to be labor eliminating machines and devices. It has become an inhuman "Frankenstein" that is throttling labor instead of easing the burdens.

Let us go back a few short weeks when we were discussing bills that had a direct bearing on this question, namely, the "Train Limit" and "Full Crew" bills, the enormous big engines and the excessive long trains. A majority of the members of this House were ignorant as to just what was intended in the provisions of these two bills and the facts in connection with same. Many members came to me to explain just what we had in mind. This is just a very sample of what we mean by the machine, and the machine age.

Let us see some of the machines that are displacing labor. As we come and go from our homes over the highways we see huge road-building machines that mix the concrete, levels it out and smooths it out and on this as operators we probably find two men. A few years past we probably would have seen fifty men doing a similar job. What has become of the other forty-eight men? What has become of the thousands of men in my game that have been displaced by the use of big engines and excessive long trains.

Let us take the textile workers. Just a few years ago we had weavers who, if they could handle three or four looms, were considered wizards. Today we have weavers who handle from twenty to twenty-four automatic looms. What has become of the other odd eighteen or twenty weavers.

We go into a cafeteria and wait upon ourselves. We put a nickle in the slot and out comes a piece of pie. What has become of the waiters that have been displaced? We dial our own 'phone numbers. There are hundreds of similar cases.

We have no intention of asking you to do away with the machine. But we would like to bring to you the concrete facts so that you will be in a position to know what we have in mind.

As a representative of Labor I had introduced a bill on January 14 known as House Bill 64, that has for its purpose a study of this vital question, and to bring facts to the attention of the next session of the Legislature. Again I want to state that we do not want to do away with the machine, but, if the machine is displacing labor, and that labor can not be absorbed in some other industries it behooves us to take some action such as taxing that machine to a certain extent to help take care of labor that has been displaced for a certain length of time and in equalization of work.

I need not go into these facts any further. I have talked to the Chairman of this Democratic controlled committee on a number of occasions. I have also talked with members of the sub-committee, but without result. It still is in committee. I had in mind at one time to ask for a discharge of committee from further consideration of this bill. But I have changed my mind. I just want to call to your attention that labor is vitally interested in this bill, and that labor believes that the machine is a vital factor in this age of depression, and that we will not have complete recovery until such a time as we do give this important question lots of study.

That is just why this bill was drafted and introduced. It still lies dormant in committee. The responsibility is yours. It is worthy of your consideration. The Committee on State Government will please take heed.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 450, 1021 AND RESOLUTION 79

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 450, Printer's No. 753, entitled, "An act to amend section two of the act approved the twenty-eighth day of June one thousand eight hundred and ninety-five (Pamphlet Laws four hundred eight), entitled 'A supplement to the twenty-fourth section of an act entitled "An act to provide revenue by taxation approved the seventh day of June one thousand eight hundred and seventy-nine" approved the first day of June one thousand eight hundred and eighty-nine amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth' as amended providing for payments to relief fund associations of fire departments and fire companies of cities boroughs and townships which afforded fire protection to near or adjacent boroughs and townships."

House Bill No. 1021, Printer's No. 481, entitled, "An act to amend section three of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred one) entitled 'An act authorizing the State Highway Department the Public Service Commission counties cities boroughs and townships to purchase or condemn by the right of eminent domain free and unobstructed view over and across at certain highway railroad and railway intersections and curves so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view' by providing for condemnation proceedings and assessment of damages."

Resolution No. 79 of the House of Representatives and Senate urging the administrative authorities in charge of the printing for the Commonwealth to be printed on stationery envelopes and other desk materials used by the various branches of the State Government in printing shops that can furnish the Allied Printing Trades Council Label or Typographical Union Label and that such labels be displayed thereon.

GEORGE H. EARLE.

QUESTION OF PERSONAL PRIVILEGE

Mr. McKINNEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Venango will state his question of personal privilege.

Mr. McKINNEY. Mr. Speaker, I desire to explain my absence yesterday. Mr. Speaker, ladies and gentlemen of the House, since we came down here Monday I have undergone an attack of quincy, and it is very difficult for me to speak. Yesterday I was out all day. I understand that during my absence House Bill 104 was under consideration, and the question was raised as to some members ducking the vote on this bill. I just desire to state that I did not duck a vote on this bill but that it was impossible for me to be in my seat at that time. Had I been here I should have voted "No" on House Bill No. 104.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2489, entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessments shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase or city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2569, entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations, approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved

June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection and payment of the State tax on the stock of title insurance and trust companies; and by changing the manner of determining the value of the shares of stock of title insurance and trust companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2062, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance, construction, and reconstruction of township streets, roads and bridges, during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven; requiring townships to reduce their tax rates for road and street purposes for said years; and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2635, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by changing the method of determining the value of the shares of stock of banks and savings institutions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2663, entitled:

An act to amend section four hundred and three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies. Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by requiring insurance companies of another State or a foreign country to file with the Department of Revenue a list of its policy-holders resident in this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2664, entitled:

An Act to amend section one of the act approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws seven hundred and twenty-three), entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth; providing the method of collection of such tax, and imposing penalties," by extending the act to include the payment of premiums to foreign insurance companies ceasing to be registered with the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2515, entitled:

An Act to amend the title and to amend sections three, four, six, seven, eight, nine, eleven and fifteen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain cost on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by including notice in the title that certain duties are imposed upon certain persons transporting liquid fuel; revising certain penalties; imposing filing fees on distributors; eliminating certain discounts; changing date for reports and payment; further clarifying and defining the procedure under the act; and imposing certain duties on persons transporting liquid fuel.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2516, entitled:

An Act requiring a license for the maintenance or operation of any pump apparatus or appliance used for the purpose of raising withdrawing or removing liquid fuels from any place of storage and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2660, entitled:

An Act to further amend the titles and subsection (e) and of section one and sections thirteen, fifteen and thirty-nine of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, as amended, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," by including notice in the title that said act defines as transfers and taxes the right of survivorship in property as to which such right exists; further defining the liability of such right of survivorship to taxation; extending the Commonwealth's lien; imposing certain duties upon safe deposit companies, trust companies, banks, persons, or corporations, who or which lease safe deposit boxes; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2525, entitled:

An Act to further amend sections one hundred two, five hundred eleven, five hundred twelve and six hundred ten of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the power of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, the cities, boroughs, incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle; imposing cancellation fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 700, entitled:

An Act to amend section one of the act approved the twenty-first day of April one thousand eight hundred and forty-six (P. L. 416) entitled "A supplement to the act 'An act relating to roads highways and bridges' " providing for the vacation of certain roads used and maintained as public roads where the records fail to show how such roads were created or became public roads

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 894, entitled:

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting martial relations prescribing grounds and regulating marriages and amending revising and consolidating the law relating thereto" further regulating the jurisdiction of the courts in divorce actions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2167, entitled:

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2661, entitled:

An Act to amend the act approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," as amended, by imposing the tax upon manufacturers selling goods, wares and merchandise from the place of manufacture and upon certain venders or dealers heretofore exempt; clarifying the provisions relating to appeals; and repealing inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1903, entitled:

An Act providing for the assessment of costs and expenses of owners and tenants of property which it has been proposed to condemn under the right of eminent domain when the proposed condemnation has been rescinded or abandoned

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2336, entitled:

An Act relating to the admissibility in evidence of the sale price of property in the vicinity of land taken in eminent domain proceedings under certain conditions and regulating procedure for escertaining these conditions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2431, entitled:

An Act to amend the act approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws, nine hundred thirty-two), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by removing the limitation on the power to tax for the payment of the principal and interest on bonded indebtedness and other loans, and be providing for the issuance of negotiable bonds to finance improvements, all or part of the cost of which may be assessed against abutting or benefited properties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 685, entitled:

An Act to amend the title and to reenact sub-section (b), as amended, of section thirty-five of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widows and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also generally dealing with the jurisdiction, powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2067, entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2263 (Senate Bill No. 783), entitled:

An Act authorizing cities of the third class to appropriate moneys out of the general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1875, entitled:

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction alteration or repairs of any public work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2497, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing pnalties and repealing certain acts and parts of acts" by providing for the licensing of secretaries of building and loan associations by the Department of Banking

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2680, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2017, entitled:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of any insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the 'Workmen's Compensation Security Fund Act"

The second section was read as follows:

Section 2 As hereafter used in this act unless the context or subject otherwise require

"Stock Fund" means the stock workmen's compensation security fund

"Mutual Fund" means the mutual workmen's compensation security fund created by this act

"Reciprocal Fund" means the reciprocal compensation security fund

"Funds" mean the stock fund the mutual fund and the reciprocal fund

"Fund" means either the stock fund the mutual fund or the reciprocal fund as the context may require

"Fund year" means the calendar year

"Stock carrier" means any stock corporation authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent stock carrier

"Mutual carrier" means any corporation or association organized and operating on the mutual plan authorized to transact the business of workmen's compensation insurance in this state except an insolvent mutual carrier

"Reciprocal carrier" means any association or group of persons exchanging contracts of insurance or indemnity on the reciprocal or interinsurance plan authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent reciprocal carrier

"Carrier" means either a stock carrier a mutual carrier or a reciprocal carrier as the context may require

"In solvent stock carrier" "insolvent mutual carrier" or "insolvent reciprocal carrier" means a stock carrier a mutual carrier or a reciprocal carrier as the case may be which has been determined to be insolvent or for which or for the assets of which a receiver or liquidator howsoever entitled has been appointed by a court or public officer of competent jurisdiction and authority after the effective date of this act

"Commissioner" means the Insurance Commissioner of this Commonwealth

"Workmen's Compensation Law" means the Workmen's Compensation Act of 1915 and its supplements and amendments

On the question,

Will the House agree to the section?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 2, line 11, by inserting after the word "plan" the following: "including the State Workmen's Insurance Fund"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenh, sixteenth and eighteenth section were separtely read and agreed to as follows:

Section 3 There is hereby created a fund to be known as "The Stock Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the workmen's compensation law for employments insured in insolvent stock carriers Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to the workmen's compensation act and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent stock carrier Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by stock carriers as herein defined all property and securities acquired by and through the use of moneys belonging to the fund of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 4 Every stock carrier shall on or before the first day of March one thousand nine hundred and thirty six file with the Treasurer of the Commonwealth and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount of net written premiums for the six months' period ending December thirty-first one thousand nine hundred and thirty-five on policies issued renewed or extended by such carrier to insure payment of compensation pursuant to the Workmen's Compensation Law For the purposes of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled Thereafter on or before the first day of March and September of each year each such carrier shall file similar identical returns stating the amount of such net written premiums for the six months' period ending respectively on the preceding December thirty-first and June thirtieth on policies issued renewed or extended by such carrier

Section 5 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth every stock carrier shall pay unto the stock fund on the first day of March one thousand nine hundred and thirty-six a sum equal to one per centum of its net written premiums as shown by the return hereinbefore prescribed for the period ending December thirty-first one thousand nine hundred and thirty-five and thereafter each such stock carrier upon filing each semi-annual return shall pay a sum equal to one per centum of its net written premiums for the period covered by such return When the aggregate amount of all such payments into the stock fund together with accumulated interest thereon less all its expenditures and known liabilities becomes equal to five per centum of the loss reserves of all stock cariers for the payment of benefits under the Workmen's Compensation Act as of December thirty-first next preceding no further contributions to said fund shall be required to be made Provided however That whenever thereafter the amount of said fund shall be reduced below five per centum of such loss reserves as of said date by reason of payments from and known liabilities of said stock fund then such contribution to said fund shall be resumed from such date as the Commissioner shall prescribe and shall continue until such fund over and above its known liabilities shall equal to five per centum of such reserves

Section 6 The Commissioner may adopt amend and enforce rules and regulations necessary for the proper ad-

ministration of such stock fund In the event any stock carrier shall fail to file any return or make any payment required by this act or in case the Commissioner shall have cause to believe that any return or other statement filed is false or inaccurate in any particular or that any payment made is incorrect he shall have full authority to examine all the books and records of the carrier for the purpose of ascertaining the facts and shall determine the correct amount to be paid and may proceed in any court of competent jurisdiction to recover for the benefit of the fund any sums shown to be due upon such examination and determination Any stock carrier which fails to make any statement as required by this act or to pay any contribution to the stock when due shall thereby forfeit to said fund a penalty of five per centum of the amount of unpaid contribution determined to be due as provided by this act plus one per centum of such amount for each month of delay or fraction thereof after the expiration of the first month of such delay but the Commissioner may upon good cause shown extend the time for filing of such return or payment The Commissioner shall revoke the certificate of authority to do business in this Commonwealth of any carrier which shall fail to comply with the provisions of this act or to pay any penalty imposed in accordance with this act

Section 7 The stock fund created by this act shall be separate and apart from any other fund so created and from all other Commonwealth moneys The State Treasurer shall be the custodian of said fund and all disbursements from said fund shall be made by the State Treasurer upon vouchers signed by the Commissioner as hereinafter provided The moneys of said fund may be invested by the State Treasurer and Commissioner only in bonds or securities which are the direct obligations of or which are guaranteed as to principal and interest by the United States or this State The State Treasury and Commissioner may sell any of the securities in which said fund is invested if advisable for its proper administration or in the best interest of such fund and all earnings from the investments of such fund shall be credited to such fund

Section 8 A valid claim for compensation or death benefits or installments thereof heretofore or hereafter made pursuant to the Workmen's Compensation Law which has remained or shall remain due and unpaid for sixty days by reason of default after the effective date of this act by an insolvent stock carrier shall be paid from the stock fund in the manner provided in this act Any person in interest may file with the Commissioner an application for payment of compensation or death benefits from the stock fund on a form to be prescribed and furnished by the Commissioner A certified copy of the award must accompany the application The Commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same whereupon payment shall be made by the State Treasurer on warrant of the Auditor General and on requisition of the Commissioner

The Commissioner shall be entitled to recover the sum of all liabilities of such insolvent carrier assumed by such stock fund from such carrier its receiver liquidator rehabilitator conservator or trustee in bankruptcy employes and all others liable under any of the terms of the Workmen's Compensation Law and may prosecute an action or other proceedings therefor All moneys recovered in any such action or proceeding shall forthwith be placed to the credit of the stock fund by the State Treasurer to reimburse the stock fund to the extent of the moneys so recovered and paid If and when all liabilities of all stock carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to all contributing stock carriers of the remaining balance of the stock fund in the proportion in which each stock carrier made contribution to the said stock fund Provided however That an insolvent stock carrier shall be entitled to share in the said distribution of said stock fund only to the extent that its distributive share of said sock fund is in excess of any losses paid out of said stock fund for its account by the Treasurer in accordance with the terms of this act

Section 9 There is hereby created a fund to be known as "The Mutual Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the Workmen's Compensation Law for employments insured in insolvent mutual carriers Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to law and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent mutual carrier Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by mutual carriers as herein defined of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 10 Every mutual carrier shall on or before the first day of March one thousand nine hundred and thirty-six file with the Treasurer of the Commonwealth and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount of net written premiums for the six months' period ending December thirty-first one thousand nine hundred and thirty-five on policies issued renewed or extended by such carrier to insure payment of compensation pursuant to the Workmen's Compensation Law during said period For the purpose of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled Thereafter on or before the first day of March and September of each year such carrier shall file similar identical returns stating the amount of such net written premiums for the six months' periods ending respectively on the preceding December thirty-first and June thirtieth on such policies issued renewed or extended by such carrier

Section 11 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth every mutual carrier shall pay into the mutual fund on the first day of March one thousand nine hundred and thirty-six a sum equal to one per centum of its net written premiums as shown by the return hereinbefore prescribed for the period ending December thirty-first one thousand nine hundred and thirty-five and thereafter each such mutual carrier upon filing each semi-annual return shall pay a sum equal to one per centum of its net written premiums as shown for the period covered by such return

Whenever the mutual fund less all its known liabilities shall exceed five per centum of the loss reserves of all mutual carriers for the payment of losses under the Workmen's Compensation Law as of December thirty-first next preceding distribution of such excess subject to the advance approval of the Commissioner shall be made as repayments for successive fund years commencing with the first fund year to the mutual carriers in the proportion in which they respectively made contribuions for such fund years Provided however No such distribution shall reduce the fund less all its known liabilities below an amount equal to five per centum of such loss reserves as of said date Such repayments shall be made from time to time until the mutual carriers for the first fund year shall have received their proportionate share of the contributions for the first fund year including interest if any Such repayments for succeeding fund years in their order shall be made on the same basis The insolvency of any mutual carcer shall automatically terminate its right to such repayments and the withdrawal of any mutual carrier from the transaction of workmen's compensation insurance business in this Commonwealth shall automatically suspend its right to such repayments until all its liabilities for workmen's compensation losses in this Commonwealth shall have been fully liquidated If and when all liabilities of all mutual carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to the mutual carriers of the remaining balance of the mu-

tual fund in the proportion in which each such mutual carrier made contributions to the mutual fund

Section 12 There is hereby created a fund to be known as "The Reciprocal Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the Workmen's Compensation Law for employments insured in insolvent reciprocal carriers Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to this law and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent reciprocal carrier Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by reciprocal carriers as herein defined of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 13 Every reciprocal carrier shall on or before the first day of March one thousand nine hundred and thirty-six file with the Treasurer and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount of net premiums or deposits written or charged for the six months' period ending December thirty-first one thousand nine hundred and thirty-five on policies or contracts of reciprocal or inter-insurance issued renewed or extended by such carrier to insure payment of compensation pursuant to this act during said period For the purpose of this act "net premiums or deposits written or charged" shall mean gross premiums or deposits written or charged less return premiums or deposits on policies or contracts returned not taken or cancelled Thereafter on or before the first day of March and September of each year each such carrier shall file similar identical returns stating the amount of such net premiums or deposits written or charged for the six months' periods ending respectively on the preceding December thirty-first and June thirtith on such policies or contracts issued renewed or exended by such carrier

Section 14 For the privilege of carrying on the business of workmen's compensation law in this Commonwealth every reciprocal carrier shall pay into the reciprocal fund on the first day of March one thousand nine hundred and thirty-six a sum equal to one per centum of its net written premiums or deposits as shown by the return hereinbefore prescribed for the period ending December thirty-first one thousand nine hundred and thirty-five and thereafter each such reciprocal carrier upon filing each semi-annual return shall pay a sum equal to one per centum of its net written premium or deposits as shown for the period covered by such return

Whenever the reciprocal fund less all its known liabilities shall exceed five per centum of the loss reserves of all reciprocal carriers for the payment of losses under the Workmen's Compensation Law as of December thirty-first next preceding distribution of such excess subject to the advance approval of the Commissioner shall be made as repayments for succesive fund years commencing with the first fund year to the reciprocal carriers in the proportion in which they respectively made contributions for such fund year Provided however That no such distribution shall reduce the fund less all its known liabilities below an amount equal to five per centum of such loss reserves as of said date Such repayments shall be made from time to time until the reciprocal carriers for the first year shall have received their proportionate shares of the contributions for the first fund year including interest if any Such repayments for succeeding fund years in their order shall be made on the same basis The insolvency of any reciprocal carrier shall automatically terminate its right to such repayments and the withdrawal of any reciprocal carrier from the transaction of workmen's compensation insurance business in this Commonwealth shall automatically suspend its right to such repayments until all its liabilities for workmen's compensation losses in this Commonwealth shall have been fully liquidated If and when all liabilities of all reciprocal carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to reciprocal carriers of the remaining balance of the reciprocal fund in the proportion to which each such reciprocal carrier made contributions to the reciprocal fund

Section 15 The provisions of section six seven and eight of this act shall apply mutatis mutandis to the administration custody and investment of and payments from the mutual fund and the reciprocal fund

Section 16 After the effective date of this act upon any carrier becoming an insolvent stock carrier an insolvent mutual carrier or an insolvent reciprocal carrier as the case may be the Commissioner shall so notify the Workmen's Compensation Board which shall immediately advise the Commissioner (a) of all claim for compensation pending or thereafter made against an employer insured by such insolvent carrier or against such insolvent carrier (b) of all unpaid or continuing awards made upon claims for compensation prior to or after the date of such notice from the Commissioner and (c) of all appeals from or applications for modification recision or review of such awards

Section 17 The Commissioner or a representative committee of interested carriers which th Commissioner may from time to time appoint or both may investigate and defend before the Workmen's Compensation Board or any court any and all claims for compensation against an employer insured by an insolvent carrier or against an insolvent carrier and may prosecute any pending appeal from or may appeal from or make application for modification recision or review of any agreement award or decision against any such employer or carrier Until all such claims for compensation are closed and all awards are paid the Commissioner as administrator of the funds shall be a party in interest in respect to all such claims agreements and awards For the purposes of this section the Commissioner shall have exclusive power to select and employ such clerks and assistants as may be deemed necessary and to fix and determine their powers and duties

Section 18 The expenses of administering each fund shall be paid out of such fund The Commissioner shall serve as administrator of each fund without additional remuneration but may be allowed and paid from any of the funds expenses incurred in the performance of his duties in connection with such fund The compensation of persons employed by the Commissioner for the purposes of this act in connection with any of the funds shall be deemed administration expenses payable out of such fund in the manner provided with respect to the stock fund in section seven of this act The Commissioner shall include in his regular report to the Governor a statement of the expenses of administering each of such funds during the period covered by such report

The nineteenth section was read as follows:

Section 19 Other than the obligation to contribute to a fund as provided in this act no deposit bond or other security shall be required of any carrier after July first one thousand nine hundred and thirty-eight as a condition to authorization to transact the business of workmen's compensation insurance in this Commonwealth

Contributions to the funds created by this act at the rates fixed by this act shall be allowed in full as expenses of the business of workmen's compensation insurance by the Commissioner in fixing and approving rates for such insurance

On the question,

Will the House agree to the section?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 19, page 15, lines 23 and 24, by striking out the words "after July first, one thousand nine hundred and thirty-eight"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twentieth and twenty-first sections and the title were separately read and agreed to as follows:

Section 20 If any part of this act be adjudged unconstitutional it shall not invalidate the remainder of the act All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 21 This act shall take effect on the first day of June one thousand nine hundred and thirty-five

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1893, entitled:

An Act to amend section one thousand six hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the daily school hours according to standard time

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1605 The board of school directors of each school district shall fix the date of the beginning of the school term and [unless otherwise determined by the board] the daily session of school shall open at nine ante meridian and close at four post medidian standard time with an intermission of one hour at noon and an intermission of fifteen minutes in the forenoon and in the afternoon

On the question,

Will the House agree to the section?

Mr. McCREARY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 17, by inserting after the word "afternoon" the following: "Provided, That the board of school directors may fix a shorter intermission at noon and a correspondingly earlier hour in the afternoon: And provided, That in the case of high school conducting two sessions daily, the board may authorize the opening of the first of such sessions at eight ante meridian standard time and fix the hours for intermissions and closing in conformity therewith.

It is the intent of this amendment to unalterably fix nine o'clock standard time as the beginning of the school day, except in the case of high schools conducting two daily sessions, when such day may commence not earlier than eight o'clock standard time."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one thousand six hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the daily school hours according to standard time

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 21, entitled:

An Act authorizing courts of common pleas in certain cases to stay or continue proceedings under the provisions of the act approved the twentieth day of April one thousand nine hundred and five (Pamphlet Laws two hundred thirty-nine) entitled "An act providing for and defining the rights remedies duties and liabilities of purchasers of real estate at judicial sales and of their grantees heirs and devisees and of the persons then in possession thereof" and to stay writs of possession issued pursuant thereto providing for the continuance of return days of such writs of possession and authorizing execution thereon without issuance of further writs

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where real property has been or shall hereafter be sold at sheriffs sale on a mortgage foreclosure or on a judgment on a bond accompanying a mortgage and such real property is purchased by or on behalf of the mortgage creditor every court of common pleas of this Commonwealth shall have authority under the conditions hereinafter set forth to stay or continue proceedings by such mortgage creditor or any person in his behalf to gain possession of such real property under the provisions of the act approved the twentieth day of April one thousand nine hundred and five (Pamphlet Laws two hundred thirty-nine) entitled "An act providing for and defining the rights remedies duties and liabilities of purchasers of real estate at judicial sales and of their grantees heirs and devisees and of the persons then in possession thereof" or to stay any

writ of possession issued pursuant thereto Such stays or continuances shall be allowed only upon application of the former owner or tenant of the former owner in possession of such real property at the time of the sheriff's sale and unless the petitioner in such proceeding consent thereto only upon the applicants showing to the court such facts as the court may deem sufficient to warrant such relief Such stays or continuances may be granted from time to time and for such periods as the court in its discretion deems proper In granting any such stay or continuance the court may impose such conditions as it deems proper as to payment of costs taxes repairs insurance compensation for use and occupation in the nature of rent or otherwise and any other pertient matters In exercising the powers conferred by this act a court shall have the discretion of a chancellor sitting in eqiuty

On the question,

Will the House agree to the section?

Mr. WASSERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 4, by striking out the words "real property" and inserting in lieu thereof: "any dwelling, together with the land appurtenant thereto, or any farm occupied as a residence."

Amend sec. 1, page 2, line 16, by inserting after the word "only" the following: "for a period of time not exceeding nine months and."

Amend sec. 1, page 2, line 17, by striking out the word "real."

Amend sec. 1, page 2, line 21, 22, and 23, by striking out the words "such stays or" in line 21, and the whole of lines 22 and 23.

Amend sec. 1, page 2, line 24, by striking out the word "may" and inserting in lieu thereof: "shall."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third, fourth, and fifth sections and the title were separately read and agreed to as follows:

Section 2 The stay of any writ of possession under this act shall continue the return day of the writ to the first regular return day for such writs which shall occur after the execution of such writ In the meantime the writ shall remain in full force and effect and execution may be had thereon without the issuance of an alias or any other writ

Section 3 The powers herein conferred on courts of common pleas shall be in addition to all powers now possessed by such courts to stay continue and otherwise control such proceedings and writs of possession

Section 4 The provisions of this act shall become effective immediately upon its final enactment and shall continue in force only until the thirty-first day of March one thousand nine hundred and thirty-seven

Section 5 All acts and parts of acts inconsistent herewith are hereby suspended while this act is in effect

An Act authorizing courts of common pleas in certain cases to stay or continue proceedings under the provisions of the act approved the twentieth day of April one thousand nine hundred and five (Pamphlet Laws two hundred thirty-nine) entitled "An act providing for and defining the rights remedies duties and liabilities of purchasers of real estate at judicial sales and of their grantees heirs and devisees and of the persons then in possession thereof" and to stay writs of possession issued pursuant thereto providing for the continuance of return days of such writ of possession and authorizing execution thereon without issuance of further writs

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1439, as follows:

An Act requiring insurance companies after receiving notices of loss or damage from policy holders to furnish them forms for filing proofs of claims

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any insurance policy of any kind of an insurance company authorized to do business within this Commonwealth which contains a provision requiring the insured to file a proof of loss when a claim is made under the said policy shall also contain a clause stating that the insurance company upon receiving notice of loss or damage or claim from the insured shall forward to the insured printed forms for the filing of proof of loss that the insured shall have at least ten days after receiving such forms before being required to file such proof of loss even though such period of time should extend the period otherwise allowed under the terms of the policy for filing a proof of loss

And said bill having been read at length the second time and agreed,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2486, as follows:

An Act to amend the act approved the twentieth day of April one thousand eight hundred seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" as amended and supplemented by clarifying the law relating to municipal financing further defining the method of determining permitted and existing indebtedness modifying and simplifying the procedure for incurring or increasing indebtedness either with or without an election reducing the period of time required for advertising elections and sales of bonds providing for the private sale of bonds to the United States of America and repealing conflicting acts and sections of acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of April one thousand eight hundred seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the debt of any county city borough township school district or other municipality or incorporated district within this Commonwealth shall be equal to seven per centum upon [the assessed value of the taxable property as fixed by] the last preceding assessed valuation of the taxable property therein it shall be unlawful to increase the same and all such increase shall be void and any obligation issued for such increase or any part thereof shall be of no binding force upon such municipality or district and each of the officers thereof wilfully authorizing such increase or executing any obligation therefor shall be guilty

of a misdemeanor and upon conviction thereof shall be fined not exceeding ten thousand dollars and undergo imprisonment not exceeding one year or either at the discretion of the court trying the same [Provided That any city the debt of which now exceeds seven per centum of such assessed valuation may under authority of law to be hereafter enacted increase the same three per centum in the aggregate at any one time upon such valuation] Provided That when any city or borough shall increase its indebtedness to an amount greater than seven per centum upon such assessed valuation in accordance with the provisions contained hereinafter as to such city or borough the limitation contained in the first clause of this section shall for all the purposes of this section be ten per centum in lieu of seven per centum

Section 2 That section two of said act is amended by the act approved the sixteenth day of May one thousand nine hundred twenty-nine (P. L. 1778) is hereby further amended to read as follows

Section 2 Any county city borough township school district [township of the second class] or other municipality or incorporated district in this Commonwealth may at one time or from time to time incur [debt or increase its] indebtedness to an amount [in the aggregate] not exceeding in the aggregate two per centum upon the assessed value of the taxable property therein as fixed and determined by the last preceding assessed [value thereof] valuation of the taxable property therein [and the corporate authorities of such municipality may by a vote thereof duly recorded upon its minutes authorize and direct the incurring or the increase of such debt to the amount aforesaid and may issue] Such indebtedness may be authorized to be incurred or increased in cities boroughs and townships by ordinance and in all other cases by resolution of the corporate authorities thereof the vote upon such ordinance or resolution to be duly recorded upon the minutes of the adopting body Such ordinance or resolution may authorize the issuance of serial or term coupon bonds or other securities therefor in sums not less than one hundred dollars each bearing interest at a rate not exceeding six per centum per annum payable semi-annually and the principal thereof reimbursable at a period not exceeding thirty years from the date of the said bonds or other securities and shall levy an annual tax[commencing] the collection of which shall commence the first fiscal year after such [debt] indebtedness shall be incurred or increased [or incurred] which shall be sufficient for and applied exclusively to the payment of the interest thereon and the principal of such [debt] indebtedness as it matures but within a period [of] not exceeding thirty years from the date of the bonds or other securities evidencing such [debt] indebtedness [shall be forthwith assessed] Before issuing any such [obligation] bond or other security it shall be the duty of the principal officer or officers of such county municipality or [incorporated] district to prepare a statement showing the [actual] gross amount of the existing indebtedness of such county municipality or district and the nature and amount of any items deducted in accordance with section five hereof in determining the net amount of the existing indebtedness the amount of the last preceding assessed valuation of the taxable property therein the amount of [debt] indebtedness to be incurred the form number and date of maturity of the [obligations] bonds or other securities to be issued therefor and he or they shall make and append thereto his or their oath or affirmation of the truth of the facts therein stated and shall file the said statement in the office of the clerk of the court of quarter sessions of the proper county upon failure so to do he or they shall be guilty of a misdemeanor and on conviction thereof shall be punished as provided in the first section of this act Certified copies of the record of such statement under the seal of said court shall be competent evidence in all the courts of this Commonwealth [Provided That the bonds shall not be sold at less than their par value]

Section 3 That section three of said act as last amended by the act approved the eighth day of May one thousand nine hundred twenty-nine (P. L. 1661) is hereby further amended to read as follows

Section 3 [The indebtedness of] Any county city borough township school district or other municipality or incorporated district in this Commonwealth [may be authorized to be increased] may at one time or from time to time incur indebtedness to an amount exceeding two per centum and not exceeding seven per centum upon the last preceding assessed valuation of the taxable property therein with the assent of a majority of the electors [thereof duly obtained] voting at a public election to be held in the said county municipality or district [or municipality] and any city or borough which is otherwise authorized by law to construct or acquire waterworks subways underground railways or street railways or appurtenances thereof may at one time or from time to time incur indebtedness in accordance with section fifteen of article nine of the Constitution of Pennsylvania to an amount exceeding seven per centum and not exceeding ten per centum upon the last preceding assessed valuation of the taxable property therein with the assent of three fifths of the electors voting at a public election to be held in the said city or borough Whenever the corporate authorities of any county city borough [townships] township school district or other municipality or incorporated district [by their ordinance or vote] shall by resolution have signified a desire to make such increase of indebtedness they shall give notice during at least [thirty] ten days by [weekly] two advertisements at least seven days apart in the newspapers not exceeding three in said county municipality or district and if no newspapers be published therein by at least twenty printed handbills posted in the most public parts thereof of an election to be held at the place or places of holding the municipal elections in said [district or] county municipality or district on a day to be by them fixed for the purpose of obtaining the assent of the electors thereof to such increase of indebtedness

Said notice shall contain a statement of the amount of the last preceding assessed valuation of the gross amount of the existing [debt] indebtedness together with a statement of the nature and amount of sufficient items deducted by said corporate authorities to determine that the proposed increase is lawful of the amount and percentage of the proposed increase and [for the] of the purpose or purposes for which the indebtedness is to be increased

Such election shall be held at the place or places time and under the same regulations as provided by law for the holding of municipal elections and it shall be the duty of the [inspectors] officers of such election [to receive tickets and to deposit said tickets in a box provided for that purpose as is provided by law in regard to other tickets received at said election and the tickets so received shall be counted and] to conduct such election and to make a return thereof [made] to the clerk of the court of quarter sessions of the proper county duly certified as is required by law together with a certified copy of the [ordinance] resolution and the advertisement and the said clerk shall make a record of the same and furnish a certified copy thereof and of the decree of the court under seal [showing the result] to the corporate authorities of such county municipality or district and the same shall be placed of record upon the minutes thereof The corporate authorities of such county municipality or district shall in all cases fix the time of holding such election on the day of the next primary municipal or [of the] general election unless more than [ninety] sixty or less than ten days elapse between the date of the [ordinance or vote] resolution desiring such increase and the day of holding the said primary municipal or general election If any other day be fixed for such election the expense of holding the same shall be paid by the county municipality or district for the benefit of which it shall be held In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal elections and the vote shall be counted by the court of quarter sessions in the manner now prescribed by general laws governing municipal elections and all the penalties of the said election laws for the violation thereof are hereby extended to and shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act Provided however That whenever the board of school directors of any independent school

district by [vote] resolution shall have signified a desire to make such increase of indebtedness and there is no polling place within said independent school district where primary municipal or general elections are held the election necessary to be held for the purpose of securing the assent of the electors of such independent school district where primary municipal or general elections are held the election necessary to be held for the purpose of securing the assent of the electiors of such independent school district to such increase of indebtedness shall be held at a regular polling place within the city borough or township of which the said independent school district is a part most convenient to the [voters] electors thereof to be selected by the board of school directors of the said independent school district notice of which place shall be set forth in the advertisements and notices required by this act and at said election [the ballots described herein shall be furnished to and voted by] only such [voters] electors as are residents of the said independent school district shall be permitted to vote And provided further That whenever the board of school directors of any school district which is not coextensive with a city borough or township shall have signified by [vote] resolution a desire to make such increase of indebtedness the county commissioners of the county or counties within which such district is situated shall furnish the election officials with a list of the qualified [voters] electors in such district and only the qualified [voters] electors of such district shall be permitted to vote at such election

Section 4 That section four of said act as last amended by the act approved the eleventh day of May one thousand eight hundred ninety-seven (Pamphlet Laws fifty-three) is hereby further amended to read as follows

Section 4 Whenever by the returns of such elction it shall appear that [there is a majority voting for "no increase of debt]" a majority or a three-fifth majority as the case may be of the electors voting at such election have not voted affirmatively on the question of increasing the indebtedness such increase shall not be made nor shall any other election for the same purpose or purposes or upon the same subject or subjects be held in that county municipality or district for [one year] fifty-one calendar weeks from the date of such preceding election If the return of such election shall show that a majority or a three-fifths majority as the case may be of the electors voting ["that debt may be increased"] at such election have voted affirmatively on the question of increasing the indebtedness the corporate authorities of the county municipality or district may increase the same [to] in the amount named and specified in the notice given for the holding of such election not exceeding seven per centum or ten per centum as the case may be of the last preceding assessed valuation [of such municipality] of the taxable property in such county municipality or district in the manner and subject to all the requirements provided by the second section of this act for increasing indebtedness to an amount not exceeding two per centum of the last preceding assessed valuation of the taxable property therein including the amount named in the sworn statement to be filed in the office of the clerk of the court of quarter sessions of the proper county and they shall before issuing any [obligations] bonds or other securities therefor assess and levy an annual tax the collection whereof shall commence the first fiscal year after the [said increase] indebtedness shall be incurred which tax shall be [equal to and] sufficient for and applied exclusively to the payment of the interest on the principal of such [debt] indebtedness as it matures but within a period not exceeding thirty years from the date of [increase] the bonds or other securities evidencing such indebtedness [: and the moneys arising from such tax shall be applied at such periods as the municipality may stipulate in such obligations to the redemption at part of the said outstanding obligations according to their terms]

Section 5 That section five of said act is hereby amended to read as follows

Section 5 The word "indebtedness" used in this act shall be deemed held and taken to include all and all manner of debt as well floating as funded of the said county municipality or district and the net amount of such indebtedness shall be ascertained by deducting from the gross amount thereof [the moneys in the Treasury] all outstanding solvent debts and all moneys in the treasury applicable within one year to the payment of the same and all revenues applicable within one year to the payment of the same Judgments and municipal liens for unpaid taxes not more than five years old for assessments for completed local improvements such assessments being due within one year shall be regarded as solvent debts Current taxes and other anticipated revenue due and payable in the fiscal year in which the indebtedness is proposed to be incurred or increased in an amount which in the judgment of the corporate authorities may be reasonably anticipated to be collected in excess of the estimated expenditures for the fiscal year shall be regarded as revenues applicable within one year to the payment of indebtedness

Section 6 That said act is hereby amended by adding thereto after section five the following

Section 5-A When any county city borough township school district or other municipality or incorporated district in this Commonwealth having authority so to do shall borrow money and issue bonds or other securities therefor except in the case of the issuance of notes for temporary loans as may be authorized by law and except in the case of the issuance of bonds or other securities for loans from the United States of America or any agency or instrumentality thereof the corporate authorities thereof shall offer said bonds or other securities for sale by public notice given by advertisement in at least one newspaper of general circulation published in such county of in the county in which such city borough township school district or other municipality or incorporated district is situated and shall sell the same to the highest responsible bidder as determined from sealed bids to be opened at least one week after the date of the publication of the notice of sale Provided That no bid for such bonds or securities at less than their par value and accrued interest to the date of payment of the purchase price shall be accepted And provided further That where any bonds or securities shall have been heretofore or shall hereafter be advertised for sale as provided in this act and no bids have been received then it shall be lawful for such county city borough township scholl district or other municipality or incorporated district to sell the same at private sale for not less than par and accrued interest to the date of the payment of the purchase price

Section 7 The provisions of this act shall be severable and if any of its provisions shall be held unconstitutional such decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provsion not been included therein

Section 8 The following acts and parts of acts are hereby repealed

(1) The act approved the twenty-eighth day of May one thousand nine hundred thirteen (P. L. 377), entitled "An act fixing the time within which an election may be held to increse municipal indebtedness for the same purposes and on the same subjects as were defeated by a majority vote at a previous election"

(2) Sections three and four of the act approved the fifth day of June one thousand nine hundred fifteen (P. L. 846), entitled "An act relating to the indebtedness of municipalities and providing for carrying into operation section fifteen of article nine of the Constitution of Pennsylvania so far as it relates to municipalities"

(3) The act approved the sixth day of July one thousand nine hundred seventeen (P. L. 747), entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securties issued by them to the highest responsible bidder after due public notice"

(4) The act approved the twelfth day of April one thousand nine hundred twenty-three (P. L. 59), entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65), entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' providing a procedure to incur or

or increase indebtedness where the existing indebtedness is less than two per centum but the amount to be incurred exceeds wo per centum of the assessed value of the taxable property and providing that this act shall apply to pending proceedings"

(5) The act approved the eleventh day of April one thousand nine hundred twenty-nine (P. L. 518), entitled "An act to amend the act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747), entitled 'An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due notice' providing for private sales where no bids are received"

(6) The act approved the eleventh day of April one thousand nine hundred twenty-nine (P. L. 520), entitled "An act relating to deductible assets in the calculation of the percentage of the assessed valuation of taxable property representing indebtedness in proceedings to incur and increase indebtedness by counties cities boroughs towns townships municipal districts and divisions"

(7) Sections two thousand seven hundred six and two thousand seven hundred seven of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

(8) Section one thousand seven hundred seven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto"

(9) Section nine hundred four of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto"

Section 9 This act shall take effect immediately upon its final enactment

And second bill having been read at length the second time and agreed to.

To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1371, entitled:

An Act to amend sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by changing the conditions of the bond of the city treasurer as tax collector and providing when liability on such bond shall cease

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 1402 Bond Salary The city treasurer shall give lawful fidelity bond to the city with two or more sufficient sureties or with a surety company authorized by law to act as surety to be approved by the council in such sum as it may by ordinance direct conditioned for the honest and faithful discharge of his official duties and the safekeeping and payment over of all public moneys entrusted to his care and that as tax collector he shall [well and truly collect and pay or account for the whole amount of the taxes charged and assessed in the duplicates which shall be delivered to him during his term of office] account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The city treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) certified to the city council for entry as liens in the office of the prothonotary or (3) returned to the county treasurer or city treasurer for sale or (4) he is as tax collector exonerated from the collection thereof The city treasurer shall be required to give but one bond to the city which shall include his duties as city treasurer and collector of taxes and shall cover the full term of his office He shall as city treasurer receive a fixed annual salary to be provided by ordinance His compensation as tax collector for the city shall be fixed as provided in article twenty-five of this act

Section 2553 Bond of Treasurer as Tax Collector The treasurer as collector of taxes before entering upon his duties shall give bond to the city as provided in article fourteen of this act and [in the usual form] he shall give fidelity bonds to the other respective authorities levying taxes which he is authorized to collect in an amount to be by them severally fixed with coporate or at least two sufficient sureties to be by them approved conditioned that the said treasurer as collector of taxes shall [well and truly collect and pay over or account for the whole amount of the taxes charged and assessed in the duplicates which shall be delivered to him during his term of office] account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The city treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) certified to the respective authorities levying the taxes for entry as liens in the office of the prothonotary or (3) returned to the county treasurer or city treasurer for sale or (4) he is as tax collector exonerated from the collection thereof Should the city or any of the said authorities levying any tax be of opinion at any time that the bond given is not sufficient the city or said authority may require the said treasurer as collector to give additional security to be approved in manner as aforesaid The said collector shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him

On the question,

Will the House agree to the section?

Mr. WICKERSHAM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, lines 24 and 25, by striking out the words "he is as tax collector exonerated from the collection thereof" and inserting in lieu thereof: "in the case of occupation, poll and per capita taxes a record of those which remain uncollected is filed with the tax authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes."

Amend Sec. 1, page 3, lines 25 and 26, by striking out the words "he is as tax collector exonerated from the collection thereof" and inserting in lieu thereof "in the case of occupation, poll and per capita taxes a record of those which remain uncollected is filed with the tax authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The title was read and agreed to as follows:

An Act to amend sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending revising, and consolidating the law relating thereto," by changing the conditions of the bond of the city treasurer as tax collector; and providing when liability on such bond shall cease.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended sections 70 and 71 to repeal section 69 of and to add sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 70.1 70.2 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred and eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 1 of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" as amended by section one of the act approved the seventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That [on and after the first day of January (1912) nineteen hundred and twelve it shall not be lawful for any person to carry on or work at the business of plumbing or house drainage in cities of the first class having a system of sewerage and water-supply of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons by the Director of the Department of Public Health or the Bureau or Board of Health of such cities nor until they have registered as such in the office of the Board of the Board or Bureau of Health of said cities Provided however That nothing in this act shall be construed to prevent the employment or working of apprentices under the direction of duly registered and licensed master or employing plumbers And provided further That master or employing plumbers duly registered and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and journeymen plumbers who have served not less than four years apprenticeship shall not be required to undergo any examination and they shall be entitled to register provided said persons firms or corporations register prior to January first one thousand nine hundred and twelve and annually thereafter between the first and thirty-first days of December of each year as per section two of this act And provided further That before such certificate or license to engage in the work of said business shall be granted to any master plumber firm or corporation such master plumber firm or corporation shall file a bond annually in the sum of two hundred and fifty dollars ($250.00) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnity the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Public Health in the performance of work done by such master plumber firm or corporation Said bond shall contain a provision that no suit thereon shall be instituted or maintained unless and until the Department of Public Health issues a certificate certifying that said master plumber firm or corporation has failed to comply with such acts of Assembly and/or such rules and regulations of the Department of Public Health In the event of such bond being cancelled or becoming ineffective for any reason whatsoever the license granted to such master plumber firm or corporation may be revoked] on and after the first day of January one thousand nine hundred and thirty-six it shall not be lawful for any person or persons to carry on the business or work at the trade of plumbing defined as drainage water piping or the construction alteration and repairing any drainage cesspools trap waste vent or water piping and fixtures attached thereto directly or indirectly connected to the city service water supply or any connection or connections in relation thereto in cities of the first class having a system of sewerage and water supply of this Commonwealth until a master plumber's license and certificate of registration to engage in or work at said business shall have been granted said persons by the Department of Health of such cities Provided That nothing in this act shall be construed to prevent the employment of apprentices journeyment and licensed plumbers under the direction of duly certified and licensed master plumbers or under the direction of registered journeymen plumbers And provided further That master plumbers duly certified and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act shall not be required to undergo an examination and they shall be entitled to a certificate of registration annually thereafter

On the question,

Will the House agree to the section?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 4, line 12, by striking out the word "January" and insert in lieu thereof the following: "December"

Amend Sec. 1, page 4, line 13, by striking out the word "six" and insert in lieu thereof the following: "five"

Amend Sec. 1, page 4, line 13, by striking out the word "not"

Amend Sec. 1, page 4, line 13, by striking out the word "lawful" and insert in lieu thereof the following: "unlawful"

Amend Sec. 1, page 4, line 26, by inserting after the word "apprentices" the following: "except as herein after provided"

Amend Sec. 1, page 5, line 4, by inserting after the word "act" the following: "and registered journeyman plumbers"

Amend Sec. 1, page 5, line 5, by inserting after the word "to" the following: "apply for"

Amend Sec. 1, page 5, line 5, by striking out the words "a certificate of"

On the question,
Will the House agree to the amendments?
They were agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The second section was read as follows:

Section 2 Said act is hereby amended by adding thereto section 1.1 1.2 1.3 1.4 and 1.5 to read as follows

Section 1.1 All and every person or persons desiring to engage in the business or trade of plumbing as a master plumber in cities of the first class shall apply in person and file an application in writing containing the recommendation of two registered master plumbers certifying to the fact that such applicant has the necessary knowledge and experience and bears a good reputation and the applicant shall have been duly registered apprentice plumber for no less than four years and a registered journeyman plumber for at least one year prior to the filing of such application for license as master plumber which application shall be made to the Department of Health and after proper examination given by the Board of Plumbing Supervision of the Department of Health of said cities if such person or persons so applying shall be found competent the same shall be certified to the Director of Public Health of said cities who shall issue a license and certificate of registration to such persons certifying that they are registered master plumbers Such license shall so long exist as such master plumbers shall comply with all the rules and regulations of the Department of Health and obey the provisions of this act and shall entitle them to engage in or work at the trade of plumbing

One desiring to secure the status of an apprentice shall cause his name to be recorder on the register or rolls of the Department of Health at a cost to be fixed by the Director of the Department of Health The employer of the apprentice shall certify on the said register or rolls that he is the certified licensed master plumber employing the apprentice If the apprentice changes employers each employer shall certify his employment of the apprentice The apprentice shall be sixteen years of age or over Provided That every certified master plumber may employ one apprentice and shall be entitled to employ not more than one additional apprentice for every four journeymen plumbers employed

No one but a licensed plumber as specified and provided for herein may do plumbing work however a helper or laborer may work under the direction of a licensed plumber performing only ordinary unskilled labor such as excavating drilling cleaning and moving

Section 1.2 No person firm or corporation not directly engaged in the trade or business of plumbing shall engage in the said business by himself itself employe or by any other means attempt to engage in the said plumbing work and/or business of plumbing No member of a firm of three or more persons or a corporation can engage in or continue in the plumbing trade unless one member is a certified licensed master plumber and a second member of the said firm or corporation possesses a license as a master plumber

Should the certified plumber or a certified or licensed member of the firm or corporation die become incapacitated or sever his connection with the business the business can be continued during the process of administration for a period of not exceeding one year providing the necessary steps are taken satisfactory to the Board of Plumbing Supervision of the Department of Health to admit another certified licensed master plumber as a member of the said firm or corporation Provided That a registered and licensed master plumber approved by the Board of Plumbing Supervision of the Department of Health during this interim of administration supervises all work and assumes full responsibility therefor And provided further That municipal authorities shall be permitted to employ a licensed plumber for the supervision installation or repairing of plumbing in municipal buildings

Section 1.3 In the month of November the Department of Health shall send to the shop of each licensed master plumber possessing a certificate of that year an application for a certificate for the succeeding year and those desiring to continue in the trade of plumbing may either deliver in person or mail into the Department of Health the said application properly executed and signed together with the fee prescribed hereinafter to the Department of Health not later than the thirty-first day of December and the Department of Health shall then mail the certificate to the licensed master plumber certifying him as a licensed registered master plumber The cost of securing such certificate each year shall be three dollars ($3.00) and no other cost to be imposed by the city which sum shall be paid into the city treasury

Upon the failure of a licensed master plumber to secure his certificate by the thirty-first day of December he shall pay a penalty of two dollars ($2.00) and those licensed master plumbers who fail to secure a certificate for two years shall take an examination as required of applicants in this section

Section 1.4 Those desiring to become journeymen plumbers shall apply to the Department of Health and be given an examination by the Board of Plumbing Supervision of the Department of Health for the privilege of which examination they shall pay five dollars ($5.00) The names of those persons found competent shall be certified to the director of health of said cities who shall thereupon issue a certificate of registration to the applicant Registered journeymen plumbers who have been registered for four years shall be entitled to take the examination and qualify for a license as a master plumber. The journeyman plumber shall register each year in the month of January with the Department of Health and receive a certificate of registration at the cost of fifty cents (50c)

Those applying for a license as a master plumber who shall fail to pass an examination shall be permitted to retake the examination after the lapse of three months for which he shall pay five dollars ($5.00) Should the applicant fail the applicant may retake the examination at intervals of one year at the cost of twenty-five dollars ($25.00)

If the applicant for registration as a journeyman plumber fails he may retake the examination after three months at the cost of one dollar ($1.00) and if he fails he may retake the examination at intervals of three months at the cost of five dollars ($5.00)

A register or roll of all master plumbers and journeymen and apprentices who shall secure their certificates each year shall be kept in the said department which rgister or roll shall be open to the inspection of all persons interested therein

Section 1.5 Every certified licensed master plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business the word "Registered" and the name or names of the person firm or corporation in letters not less than three inches high

No person firm or corporation other than a certified licensed master plumber shall be allowed to display the sign of plumbing or plumbing repair or house drainage or water piping or any advertisement pertaining thereto

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its certificate and license to the Department of Health

On the question,
Will the House agree to the section?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 5, line 17, by inserting after the word "been" the following: "a"

Amend Sec. 2, page 5, line 25, by insering after the word "competent" the following: "and the fee has been paid as hereinafter provided"

Amend Sec. 2, page 5, line 26, by inserting after the word "shall" the following: "only to those so certified by the Board of Plumbing Supervision"

Amend Sec. 2, page 6, line 4, by inserting after the word "them" the following: "to annually apply for a certificate permitting them"

Amend Sec. 2, page 6, line 9, by inserting after the word "Health" the following: "and if approved shall receive a card of registration"

Amend Sec. 2, page 6, line 19, by striking out the word "licensed" and insert in lieu thereof the following: "qualified"

Amend Sec. 2, page 6, line 21, by inserting after the word "of" the following: "such"

Amend Sec. 2, page 6, line 21, by inserting after the letter "a" the following: "qualified"

Amend Sec. 2, page 6, line 26, by inserting after the word "business" the following: "trade or work"

Amend Sec. 2, page 6, line 28, by striking out the word "and/"

Amend Sec. 2, page 7, line 5, by striking out the word "the" and insert in lieu thereof the following: "a"

Amend Sec. 2, page 7, line 5, by inserting after the word "certified" the following: "master"

Amend Sec. 2, page 7, line 5, by striking out the words "or a certified"

Amend Sec. 2, page 7, line 5, by inserting after the word "or" the following: "a"

Amend Sec. 2, page 7, line 12, by striking out the words "certified licensed"

Amend Sec. 2, page 7, line 13, by inserting before the word "as" the following: "qualified as above provided for"

Amend Sec. 2, page 7, line 14, by striking out the words "registered and" and insert in lieu thereof the following: "certified"

Amend Sec. 2, page 7, line 19, by striking out the words "supervision installation"

Amend Sec. 2, page 7, line 20, by striking out the word "or"

Amend Sec. 2, page 7, line 28, by striking out the words "to the Department of"

Amend Sec. 2, page 7, line 29, by striking out the word "Health"

Amend Sec. 2, page 8, line 5, by striking out the words "which sum shall"

Amend Sec. 2, page 8, line 6, by striking out the entire said line.

Amend Sec. 2, page 8, line 7, by striking out the syllable "se-"

Amend Sec. 2, page 8, line 8, by striking out the syllable "cure" and insert in lieu thereof the following: "make proper application for"

Amend Sec. 2, page 8, line 8, by inserting after the word "certificate" the following: "as herein provided"

Amend Sec. 2, page 8, line 12, by striking out the words "in this section" and insert in lieu thereof the following: "by this act"

Amend Sec. 2, page 8, line 27, by inserting after the word "plumber" the following: "shall pay for the privilege of examination the sum of twenty-five dollars ($25.00) and those"

Amend Sec. 2, page 9, line 3, by inserting after the word "applicant" the following: "again"

Amend Sec. 2, page 9, line 3, by striking out the words "the applicant" and insert in lieu thereof the following: "he"

Amend Sec. 2, page 9, line 8, by inserting after the word "fails" the following: "again"

Amend Sec. 2, page 9, line 10, by inserting after the figure '($5.00)" the following: "All fees for examinations and registration as herein provided for shall be paid into the city treasury."

Amend Sec. 2, page 9, line 12, by striking out the word "certificates" and insert in lieu thereof the following: "certification"

Amend Sec. 2, page 9, line 22, by striking out the words "firm or corporation"

Amend Sec. 2, page 9, line 25, by inserting after the word "thereto" the following: "and the same shall apply to a firm or corporation"

Amend Sec. 2, page 10, line 3, by striking out the words "and license"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 Section two of the said act as amended by section two of said amending act approved the seventh day of May one thousand nine hundred and thirty-one (P. L. 101) is hereby further amended to read as follows

Section 2 [All and every person or persons engaged or engaging in the business or work of plumbing and house drainage in cities shall apply in writing to the said Director of the Department of Public Health Board or Bureau of Health for such certificate or license and if after proper examination made by the board or bureau of health of said cities such person or persons so applying shall be found competent the same shall be certified to the Director of Public Health Board or Bureau of Health who shall thereupon and upon the giving of a bond as hereinabove provided for issue a certificate or license to such persons which shall for the period of one calendar year or fractional part thereof next ensuing the date of such examination entitle him or them to engage in or work at the business of plumbing and house drainage

A register of all such applicants and the license or certificates issued shall be kept in said department which said register shall be open to the inspection of all persons interested therein

The Director f the Department of Public Health is] [hereby authorized to appoint a board of examiners to consist of the Director of the Department of Public Health one plumbing inspector and two competent plumbers in no wise connected with the city government who shall examine all applicants for license under the provisions of this act The said board shall make all reasonable rules regulations and examinations which shall be approved by the said Director of the Department of Public Health An examination of any one member of a firm or corporation or of the superintendent or foreman thereof shall be deemed sufficient

Said person or persons firm or corporation engaged or engaging in the business or plumbing or house drainage shall pay for each examination the sum of twenty-five dollars and each journeyman or person engaged in the work shall pay the sum of fifty cents which sum shall be paid into the city treasury for the use of said cities The proper officers of said cities are hereby authorized to pay the plumbers acting on said board the sum of ten dollars per day for each day or session thus actually employed

Every registered plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business a sign "Registered Plumber" bearing the name or names of the person firm or corporation in letters not less than three inches high

No person other than a registered master plumber shall be allowed to carry on or engage in the business] [nor shall any person or persons expose the sign of plumbing or house drainage or any advertisement pertaining thereto unless he or they have first given such bond secured a license or certificate and been registered in the office of the Board or Bureau of Health of such cities nor shall any person or persons other than a registered master plumber or person in his or their employ or under his or their supervision be allowed to alter repair or make any connection with any drain soil waste or vent-pipe or any pipe connected therewith

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its certificate of registry to the Board or Bureau of Health Every person firm or corporation or representative thereof in registering shall give the full name or names of the person firm or officers' names of the corporation for which he or they shall register

At the expiration of each calendar year said certificate or license shall be null and void A licensed master or journeyman plumber desiring to continue in or work at the business of plumbing and house drainage for the ensuing year shall between the first and thirty-first days of December of each year surrender the said certificate or license for the current year to the Department or Board or Bureau of Health and re-register his their or its name or names and business or home address upon such form or forms as may from time to time be furnished by said Department or Board or Bureau of Health

A re-examination will not be necessary for re-registration unless the licensed master or journeyman plumber should have failed to make application for re-registration at the specified time The sum of twenty-five dollars shall be paid by master plumbers firms or corporations and the sum of twenty-five cents by journeymen plumbers for re-registration which sums shall be paid into the city treasury for the use of said cities A register of all such applicants and license or certificates issued shall be kept in said Department Board or Bureau of Health which said register shall be open to the inspection of all persons interested therein Any person firm or corporation holding a license granted by any city of this Commonwealth to engage in or work at the business of plumbing and house drainage desiring to do plumbing and drainage work in any other city than the one in which said license or certificate was granted shall without examination by registered before entering upon such work Provided however That such registration shall be restricted and limited to such plumbing and drainage work as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his or its name or their names and addresses as hereinbefore provided] The Director of the Department of Health shall appoint a board to be known as the Board of Plumbing Supervision of the Department of Health It shall consist of the Director of the Department of Health one representative of the House Drainage Division of the Division of Housing and Sanitation four licensed master plumbers and one licensed pourneyman plumber A licensed master plumber who may qualify as an appointee must conduct a bona fide shop and be actively engaged in the trade of plumbing and must not hold a position with the city or in any other manner be connected with the city or be an officer of a political party Three members of the board shall be appointed for a term of three years and two for a term of two years

On the question,

Will the House agree to the section?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 14, line 5, by inserting after the word "four" the following: "certified".

Amend Sec. 3, page 14, line 7, by striking out the word "licensed".

Amend Sec. 3, page 14, line 9, by inserting after the word "and" the following: "those qualifying".

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Said act is hereby amended by adding thereto sections 2.1 2.2 2.3 and 2.4 to read as follows

Section 2.1 This board shall examine all applicants for licenses as master plumbers as provided for under the provisions of this act and upon finding the applicant competent shall certify his name to the Director of Health as qualified to be licensed and registered The said board shall have the power to hear complaints made by licensed plumbers of irregularities committed by licensed and licensed certified master plumbers and irregularities committed by registered journeymen plumbers and appren tices and the said board of the Department of Health shall have the power to suspend and/or revoke the certificate and/or the license of the master plumber and also suspending or revoking the certificate of registered journeyman plumber upon cause shown The aggrieved respondent shall have the privilege of appeal from the action of the Board of Plumbing Supervision of the Department of Health to the court of common pleas as in all other appeals made and provided for under the laws of the Commonwealth of Pennsylvania from executive bodies

The said board shall make all rules and regulations for the conducting of its business The board shall further have the power to hear complaints of licensed certified master plumbers and of registered journeymen plumbers against employes of the Department of Health connected with the plumbing division

In furtherance thereof the Board of Plumbing Supervision of the Department of Health may recommend to the Director of the Department of Health the punishment or dismissal of said employe of the house drainage division of the division of housing and sanitation

The proper officers of the said cities shall pay the plumbers acting on said board the sum of ten dollars ($10.00) for each day or session thus actually employed in carrying out the duties provided by the provisions of this act The Board of Plumbing Supervision shall be convened for the purposes of carrying out the provisions of this act as frequently as they deem necessary Such meetings shall be held in a fixed centrally located headquarters provided by the Department of Health

Section 2.2 That person holding the position of supervising plumbing inspector and that person holding the position of assistant supervisor of plumbing and those persons holding the positions of plumbing inspectors must sucessfully have passed the examination of licensed master plumber as given by the Board of Plumbing Supervision Provided however That those men holding those positions upon the passage of this act shall not be affected thereby so long as they shall continue in their employment

Section 2.3 The Department of Health shall issue to each master plumber who re-registers as a master plumber for the year one thousand nine hundred and thirty-six and to every master plumber who is granted a license thereafter a license and a permanent license number stating that the applicant has successfully passed the examination for a master plumber and is entitled to apply for re-registration annually thereafter provided he has established a place of business After this place of business has been approved by the Department of Health he shall be pranted a certificate of registration and the Department of Health shall furnish one metal plate bearing the words "Registered Master Plumber" Philadelphia and his permanent license number If additional metal plates are required they shall upon written application be furnished by the department as a cost to be set by the Department of Health and provided further that each and every vehicle used by master plumbers and equipped for trade of plumbing and/or used for the regular transporta

tion of tools and equipment used for plumbing must have attached thereto on its exterior in a plainly visible position the herein described metal plate

Section 2.4 Any person firm or corporation holding a license or certificate granted by any city of this Commonwealth to engage in or work at the trade of plumbing house drainage and water piping desiring to do plumbing house drainage or water piping in any other city than the one in which said license or certificate was granted shall without examination be registered before entering upon said work Provided however That such person or persons shall prior to such registration post a surety bond in the sum of five hundred dollars ($500) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnify the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Health in the performance of work done by such master plumber firm or corporation and pay the sum of fifteen dollars which sum shall be paid into the city treasury And provided further That such registration shall be restricted and limited to such plumbing repair drainage work or water piping as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his their or its name or names and addresses as hereinbefore provided

On the question,

Will the House agree to the section?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendements will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4, page 14, line 16, by striking out th eword "and"

Amend Sec. 4, page 14, line 16, by inserting after the figures "2.4" the following: "2.5"

Amend Sec. 4, page 14, line 21, by striking out the following words: "The said board"

Amend. Sec. 4, page 14, by inserting between lines 21 and 22, the following: "Section 2.2 The said board"

Amend Sec. 4, page 14, line 27, by striking out the word "and/" after the word "suspend"

Amend Sec. 4, page 14, line 27, by striking out the word "and/" after the word "certificate"

Amend Sec. 4, page 15, line 21, by inserting after the word "provided" the following: "for"

Amend Sec. 4, page 15, line 27, by striking out the figures "2.2" and insert in lieu thereof the following: "2.3"

Amend Sec. 4, page 16, line 7, by striking out the figures "2.3" and insert in lieu thereof the following: "2.4"

Amend Sec. 4, page 16, line 24, by striking out the word "and/" after the word "plumbing"

Amend Sec. 4, page 17, line 1, by striking out the figures "2.4" and insert in lieu thereof the following: "2.5"

Amend Sec. 4, page 17, line 5, by inserting after the "in" the following: "a city of the first class"

Amend Sec. 4, page 17, line 5, by striking out the words "any other city"

Amend Sec. 4, page 17, line 6, by striking out the entire said line.

Amend Sec. 4, page 17, line 7, by striking out the word "granted"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth and sixth sections were separately read and agreed to as follows:

Section 5 Section sixty-nine of said act is hereby repealed

Section 6 Section seventy of said act is hereby amended to read as follows

Section 70 [Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage shall be liable to a fine of not less than ten dollars nor exceeding fifty dollars for each and every day he or they shall engage in or work at said business without first having obtained said certificate or license and any person or persons who shall violate any of the rules regulations or requirements set forth in this act regarding the construction reconstruction or testing of plumbing house drainage or cesspools shall be liable for every such offense to a fine of not less than ten dollars nor more than fifty dollars which fines shall be recoverable before any alderman or police magistrate in said cities by summary proceedings and shall be sued for in the name of such cities and when collected shall be paid into the treasury thereof

All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace in said cities and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed and upon recovery thereof all such fines and penalties shall be to the city treasurer thereof In default of the payment of any fine or penalty imposed by any police magistrate or justice of the peace under the provisions of this act the person or persons so offending may be committed to the jail workhouse or other penal institution of the county in which said city is situated for a period not exceeding thirty days] Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply additions alterations and repairs to plumbing house drainage water piping cesspools wastes traps or vents shall upon summary conviction before a magistrate or upon conviction in a court of record for the first offense committed by such person or persons pay the cost of prosecution and enter a bond of two years duration of an approved surety company approved by the court of common pleas of the county in the sum of five hundred dollars ($500) to the city in which said offense shall have been committed/corditioned that he will not violate any of the provisions of said acts of Assembly thereafter if the violator shall fail to procure a bond he shall be committed to the county jail for thirty days and upon any subsequent violation of any provision of this act the magistrate must hold the person or persons for the next term of court and upon conviction the said bond shall be forfeited to said city Provided That such person or persons shall be liable to a fine of fifty dollars for each and every day he or they shall engage in or work at said business without having first obtained the certificate and license as herein set forth and at the discretion of the court shall be imprisoned for a period not exceeding twelve months

The seventh section was read as follows:

Section 7 Said act is hereby amended by adding thereto sections 70.1 and 70.2 to read as follows

Section 70.1 Licensed plumbers who shall violate any of the rules regulations or requirements made by the Board of Plumbing Supervision of the Department of Health in accordance with the provisions of said act as amended regarding the construction reconstruction additions alteration repairing or testing of plumbing house drainage water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools and wastes traps or vents shall be liable for every such offense to a fine of not less than five dollars ($5.00) nor more than fifty dollars ($50.00) which fines shall be recoverable and proceedings had before any po-

lice magistrate in said cities by summary proceedings and shall be sued for in the name of said cities and when collected shall be paid into the treasury thereof

Section 70.2 All permits secured for the doing of any plumbing house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools wastes traps or vents shall be conspicuously posted upon the front of the premises where the work is being done Any police official or inspector of the Department of Health of the said cities shall immediately order such work discontinued until a permit is produced Provided That if said work be nevertheless continued without placing said permit in a conspicuous place said person or persons shall be guilty of a violation and punished as set forth herein

On the question,

Will the House agree to the section?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 7, page 20, line 9, by striking out the word "and"

Amend Sec. 7, page 20, line 9, by inserting after the figures "70.2" the following: "and 70.3"

Amend Sec. 7, page 20, line 20, by striking out the words "which fine shall be recoverable"

Amend Sec. 7, page 20, lines 21, 22, 23, and 24, by striking out all of said lines and insert in lieu thereof the following: "All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace or court of record in said cities and all suits or actions at law may be instituted by any individual for the recovery thereof and shall be in the name and for the use of the city within or against which offense is committed. and upon recovery thereof all such fines and penalties shall be paid to the city treasurer thereof."

Amend Sec. 7, page 20, by inserting between lines 24 and 25 the following new section: "Section 70.2. At the instance of the Director of Health, the city solicitor shall institute all legal proceedings for violations of the provisions of this act."

Amend Sec. 7, page 20, line 25, by striking out the figures "70.2" and insert in lieu thereof the following: "70.3"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth and ninth sections were separately read and agreed to as follows:

Section 8 Section 71 of said act is hereby amended to read as follows

Section 71 The Board of Plumbing Supervision of the Department [or Board or Bureau] of Health shall have power to make such rules regulations and changes in the foregoing specifications relative to the construction of the plumbing or house drainage as said [department] board [or bureau] may from time to time determine to be necessary or advisable for the better protection of the safety or health of the occupants of any house or the community

Section 9 Said act is herey amended by adding thereto Section 73 to read as follows

Section 73 Wherever it does appear in the act to which this is an amendment the phrase Board or Bureau of Health" the same shall be taken to mean the Board of Plumbing Supervision of the Department of Health

The tenth section was read as follows:

Section 10 All acts and parts of acts inconsistent with the provisions of this amending act or supplied thereby are hereby repealed

All rules and regulations ordinances of council of the said cities of the first class inconsistent contradictory or contravening the provisions and purposes of this amending act are hereby repealed

On the question,

Will the House agree to the section?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 10, page 22, line 4, by striking out the word "repealed" and insert in lieu thereof the following: "declared null and void"

On the question,
Will the House agree to the amendment?
It was agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The title was read as follows:

An Act to amend sections 1 and 2 as amended sections 70 and 71 to repeal section 69 of and to add sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 70.1 70.2 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

On the question,

Will the House agree to the title?

Mr. SCHWARTZ. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 3, by inserting after the figure "2.4" the following: "2.5"

Amend title, page 1, line 3, by inserting after the figure "70.2" the following: "70.3"

On the question,
Will the House agree to the amendments?
They were agreed to,
On the question,
Will the House agree to the title as amended?

It was agreed to.

And said bills having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2406, entitled:

An Act to authorize cities boroughs towns and townships and the Commonwealth its subdivisions and agencies to co-operate with housing authorities and the United States of American by rendering services conveying or leasing property and providing for streets roads and other facilities to require any city located within a housing authority to make an appropriation for the first year's administrative expenses of such authority and to authorize cities boroughs towns and townships located within housing authorities to make grants lend money to such housing authorities

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Declaration of necessity It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the Commonwealth and that consequently many persons of low income are forced to reside in such dwelling accommodations that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health safety morals and welfare of the citizens of the Commonwealth and impair economic values that the clearance replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which private property may be acquired that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency and the necessity in the public interest for the provision hereinafter enacted is hereby declared as a matter of legislative determination

The second section was read as follows:

Section 2 Definitions The following words terms and phrases when used or referred to in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"City" shall mean any city of the Commonwealth which is or is about to be included in the territorial boundaries of a housing authority

"Housing authority" shall mean any housing authority organized pursuant to the Housing Authorities Law of this Commonwealth

"Housing authority" shall mean any housing authority organized pursuant to the Housing Authorities Law of this Commonwealth

"Housing project" shall mean any undertaking (a) to demolish clear remove alter or repair unsafe or unsanitary housing or (b) to provide dwelling accommodations for persons of low income and said term may also include such buildings and equipment for recreational or social assemblies for educational health or welfare purposes and such necessary utilities as are designed primarily for the benefit and use of the housing authority or the occupants of such dwelling accommodations

"Municipality" shall mean any city town borough or township of the Commonwealth

On the question,

Will the House agree to the section?

Mr. LYNCH. Mr. Speaker, I desire to offer the following amendement.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 3, line 7, by inserting after the word "city" and before the word "town" the following: "(other than a city as defined above)"

One the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 Conveyance Lease or Agreement in Aid of Housing Project For the purpose of aiding and co-operating in the planning construction and operation of housing projects located within their respective territorial boundaries the Commonwealth its subdivisions and agencies and any county city or municipality of the Commonwealth may upon such terms with or without consideration as it may determine

(a) Grant sell convey or lease any of its property to a housing authority or the United States of America or any agency thereof and

(b) To the extent that it is within the scope of each of their respective functions (1) cause the services customarily provided by each of them to be rendered for the benefit of the housing authority or the occupants of such housing projects and (2) provide and maintain parks and sewerage water and other facilities adjacent to or in connection with housing projects and (3) enter into any agreement to open close pave install or change the grade of streets roads roadways alleys sidewalks or other such facilities to change the city or municipality map to plan replan zone or rezone any part of the city or municipality

In connection with the exercise of this power any city or municipality may incur the entire expense of any such public improvements located within its territorial boundaries without assessment against abutting property owners Any law or statute to the contrary notwithstanding any gift grant sale conveyance lease or agreement provided for in this section may be made by the Commonwealth its subdivisions and agencies and any county city or municipality of the Commonwealth without appraisal public notice advertisement or public bidding

On the question,

Will the House agree to the section?

Mr. LYNCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 3, page 3, line 13 by striking out after the word "Commonwealth" and before the word "and" the following: "[its subdivisions and agencies]"

Amend section 3, page 3, line 14 by striking out after the word "city" and before the word "municipality" the word: "[or]"

Amend section 3, page 3, line 14 by inserting after the word "municipality" and before the word "of" the following: "or agency"

Amend section 3, page 4, line 9 by striking out at the end of the line after the word "Commonwealth" the word: "[its]"

Amend section 3, page 4, line 10 by striking out at the beginning of the line before the word "and" the following: "[subdivisions and agencies]"

Amend section 3, page 4, line 10 by striking out after the word "city" and before "munici-" the word: "[or]"

Amend section 3, page 4, line 11 by inserting after "pality" and before the word "of" the following: "or agency"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Advances and Donations by City and Municipality Immediately after the incorporation of the housing authority the council or other governing body of the city included within the territorial boundaries of such author-

ity shall make an estimate of the amount of money necessary for the administrative expenses and overhead of the housing authority during the first year following the incorporation of such housing authority and shall appropriate such amount to the authority out of any moneys in the city treasury not appropriated to some other purposes and shall cause the moneys so appropriated to be paid the authority as a donation In addition thereto the city and any municipality located in whole or in part within the boundaries of a housing authority shall have the power annually and from time to time to make donations or advances to the authority of such sums as the city or municipality in its discretion may determine The authority when it has money available therefor shall reimburse the city or municipality for all advances by way of loan made to it

On the question,

Will the House agree to the section?

Mr. LYNCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 4, page 4, line 14 by striking out after the word "of" and before the word "housing" the word: "[tne]" and inserting in lieu thereof the word: "a"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth, sixth, seventh, eighth and ninth sections were separately read and agreed to as follows:

Section 5 Action of City or Municipality by Resolution Except as otherwise provided in this act by the council or other governing body of any city or of any municipality may be by resolution adopted by a majority of all the members of its council or other governing body which resolution may be adopted at the meeting of the council or other governing body at which such resolution is introduced and shall take effect immediately upon such adoption and no such resolution need be published or posted

Section 6 Purpose of Act It is the purpose and intent of this act that the Commonwealth its subdivisions and agencies and any county city or municipality of the Commonwealth shall be authorized and are hereby authorized to do any and all things necessary to aid and co-operate in the planning construction and operation of housing projects by the United States of America and by housing authorities

Section 7 Supplemental Nature of Act The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law

Section 8 Severability If any section clause sentence or part of this act shall for any reason be adjudged unconstitutional or invalid such judgment shall not affect impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid and the inapplicability or invalidity of any section clause or provision of this act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance

Section 9 Effective Date This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to authorize cities boroughs towns and townships and the Commonwealth its subdivisions and agencies to co-operate with housing authorities and the United States of America by rendering services conveying or leasing property and providing for streets roads and other facilities to require any city located within a housing authority to make an appropriation for the first year's administrative expense of such authority and to authorize cities boroughs towns and townships located within housing authorities to make grants and lend money to such housing authorities

On the question,

Will the House agree to the title?

Mr. LYNCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 1, line 1 of the title by inserting after the word "authorize" and before the word "cities" the following: "the Commonwealth and counties"

Amend page 1, line 1 of the title by striking out after the word "towns" and before the word "townships" the word: "[and]"

Amend page 1, line 1 of the title by inserting after the words "townships and" and before the word "the" the words: "agencies of"

Amend page 1, line 2 of the title by striking out after the word "Commonwealth" and before the word "to" the following "[its subdivisions and agencies]"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1868, as follows:

An Act to amend section nine hundred and five of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine hundred and five of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which

foreign nonprofit corporations may be admitted of may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as hereby amended to read as follows

Section 905 Issuance and Recording of Certificate of Authority If the Department of State finds that the provisions of his article have been compiled with and that [the applicant corporation is entitled to a certificate of authority to do business in this Commonwealth] in the opinion of the Department the applicant corporation will not be injurious to the community or communities in which it intends to operate it [shall] may forthwith but not prior to the day specified in the advertisement heretofore required in this article endorse its approval upon the application for a certificate of authority and when all [bonus] fees and charges have been paid as required by law shall file the application and the copy of the article and shall issue to the corporation a certificate of authority to do business in this Commonwealth The certificate of authority shall set forth the name of the corporation the address of its initial registered office in this Commonwealth and the business which the corporation is authorized to transact in this Commonwealth Upon the issuance of the certificate of authority by the Department of State the corporation may do in this Commonwealth any of the business referred to in the certificate of authority and no other subject however to the right of the Commonwealth to cancel or revoke such right to transact business in this Commonwealth as provided in this act The certificate of authority shall be returned to the corporation or its representative and such certificate and a verified copy of its articles shall be recorded in the office of the recorder of deeds of the county in which the registered office of the corporation in this Commonwealth is located The certificate of authority upon being recorded by the recorder of deeds shall be returned to the corporation or its representative

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1612, as follows:

An Act relating to the defense of alibi in criminal prosecutions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if a defendant in any criminal prosecution intends to rely in any way at the trial on an alibi he shall furnish a written bill of particulars signed by him and stating the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi Such particulars shall be furnished the district attorney seven days prior to the day when the case is listed for trial

Section 2 Within two days after receipt of such bill of particulars from the defendant the district attorney or other prosecuting officer shall on written demand therefor furnish the defendant or his attorney with a written bill of particulars stating the names and addresses of the witnesses upon whom the Commonwealth intends to rely to establish defendant's presence at the scene of the alleged offense

Section 3 The trial court shall have power to order the amendment amplification or reduction of such particulars or of the time of their service as the ends of justice may require If such bills of particulars are not furnished as required the party in default may be excluded from presenting any evidence at the trial as to defendant's absence from or presence at respectively the scene of the alleged offense or the court may impose such conditions and grant such adjournment as the ends of justice may require

Section 4 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2428 (Senate Bill No. 616), entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or schoool taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal semi-annual instalments beginning June first one thousand nine hundred and thirty-five and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

Section 2 In case any taxpayer shall default in the payment of any instalment of taxes or in the payment of current taxes as required in section one of this act the penalties and interest or penalties as the case may be on the instalments of such delinquent taxes remaining shall not be abated but shall remain due and payable as provided by existing law

The third section was read as follows:

Section 3. The abatement of penalties and interest and the allowance of discounts on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county but the taxpayer shall become liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

On the question,

Will the House agree to the section?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 3, page 3, line 15, by striking out the word "but" and insert in lieu thereof "and"

Amend sec. 3, page 3, line 15, by inserting after the word "shall" the following: "not"

Amend Sec. 3, page 3, line 11, by striking out the words "and the allowance of discounts"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read and agreed to as follows:

Section 4 This act shall become effective immediately upon enactment

The title was read as follows:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class

On the question,

Will the House agree to the title?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title, lines 2 and 3 by striking out the words "and the allowing of discounts"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. MORAN. Mr. Speaker, I desire to call up at this time House Bill No. 1199, Printer's No. 865, on page 39, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MORAN.

The House resumed the consideration on third reading of House Bill No. 1199, entitled:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by making the present schedules of compensation compulsory upon all employers changing adding to and increasing the schedules of compensation requiring appeals heretofore taken to the courts of common pleas to be filed directly with the Superior Court and conferring jurisdiction upon such court to hear such appeals prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be silf-insurers conferring certain duties upon the Prothonotary of the Superior Court and certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system providing for the payment of compensation system providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, I feel that the attention of the House should be called particularly to this measure, because of its importance. These are the amendments to the Workmen's Compensation Act, House Bill No. 1199, possibly one of the most important bills before this Session, because of its effect on industry and because of the interest of the working people who are vitally effected by it. I merely want to take the time of the House to call attention so that the members may understand what is before them.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—132

Achterman,	Denning,	Kelder,	Rhys,
Alexander,	Dent,	Kilroy,	Rinn,
Andrews,	Diehl,	Kinney,	Roan,
Atkins,	Dilley,	Klingler,	Robinson,
Aukerman,	Downey, G. E.,	Kobelak,	Ruffennach,
Baine,	Downey, J. J.,	LaRue,	Ruth,
Baker, J J.,	Eberharter,	Long,	Sarraf,
Baldi,	Eroe,	Lovett,	Scanlon,
Barber,	Falkenstein,	Lynch,	Schrope,
Barnhardt,	Ferko,	Mallen,	Schwartz,
Bernhard,	Finnerty,	Mason,	Shaw,
Blumberg,	Fitch,	McDermott,	Shepard,
Boyd, R.,	Flanagan,	McElroy,	Shugarts,
Boyer,	Furman,	Melchiorre,	Simon,
Bradley,	Gates,	Mentzer,	Sinwell,
Brancato,	Gerard,	Mooney,	Smith, J. A.,
Brown, H. S.,	Green,	Moore,	Smith, W. G.,
Brown, J. E.,	Haberlen,	Moran,	Sowers,
Brownfield,	Hagerty,	Munley,	Stank,
Brumbaugh,	Haluska,	Murrin,	Stevens,
Burke,	Hamilton, F. P.,	Nagel,	Tahl,
Cannon,	Hamilton, R. S.,	O'Keefe,	Tumelty,
Caputo,	Harkins,	Ominsky,	Van Sickle,
Carr,	Harmuth,	O'Neill,	Walker,
Carson,	Hart,	Panton,	Wall,
Chervenak,	Hartman,	Patterson, C.,	Wasserman,
Coakley,	Hefferon,	Patterson, J. W.,	Weiss,
Cochran,	Hermansen,	Perry,	Welliver,
Cohen,	Hindman,	Pfaff,	Welsh,
Coleman,	Hirsch,	Phillips,	Westrick,
Condon,	Holstrom,	Piole,	Wilson,
Coolahan,	Hoopes,	Powers,	Yourishin,
Cordier,	Jones,	Reising,	Zappala,
Decker,	Kane,	Reynolds,	Sarig,

NAYS—55

Altenburg,	Horst,	Schwab,	Surface,
Baker, F. T.,	Kelso,	Shortz,	Terry,
Boose,	Longaker,	Shreiner,	Trout,
Brennan,	Male,	Siegel,	Turner,
Castor,	McCreary,	Simpson,	Van Allsburg,
Conner,	McDevitt,	Sloan,	Weidemann,
Duffort,	McHenry,	Snyder, F. E.,	White,
Flinchbaugh,	McKinney,	Snyder, J. L.,	Wickersham,
Flynn,	Merrell,	Spangler,	Winner,
Forrest,	Muir,	Sproul,	Wood,
Gillette,	Nothnagle,	Stewart,	Woodside,
Habbyshaw,	Parks,	Stone,	Yeakel,
Hetrick,	Peters,	Stott,	Zimmerman,
Hoffner,	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. McCREARY. Mr. Speaker, I desire to be recorded as voting "No" and file my reasons.

Believe bill too drastic for enforcement at this time.

REASONS FOR VOTE

Mr. SHORTZ. Mr. Speaker, I desire to be recorded as voting "No" and file my reasons.

That I am of the opinion that it goes beyond reasonable limits in some respects and I am convinced that its provisions will impose a serious burden upon industry, which may tend to increase unemployment.

REASONS FOR VOTE

Mr. STEWART. Mr. Speaker, I desire to be recorded as voting "No" and file my reasons.

I am voting "no" on House Bill No. 1199 because it is injurious to both the employer and employe. I am opposed to the life plan of paying compensation.

I oppose compensation on farm and domestic help.

REASONS FOR VOTE

Mr. SURFACE. Mr. Speaker, I desire to be recorded as voting "No" and file my reasons.

I vote "No" on House Bill No. 1199 because it provides, inter alia, for "imposing additional duties and liabilities upon employers" and so forth, and this must be reflected to the employes or laborers in such a manner as to be a hardship for them.

REASONS FOR VOTE

Mr. SLOAN. Mr. Speaker, I desire to be recorded as voting "No" and file my reasons.

I am voting "no" on House Bill No. 1199 because it is injurious to both the employer and the employe. I am opposed to the life plan of compensation.

REASONS FOR VOTE

Mr. VanALLSBURG. Mr. Speaker, I desire to be recorded as voting "No" and file my reasons.

While I am in sympathy with the general purpose of this bill, I believe the proposed amendments are too drastic and too all inclusive for present economic conditions. The majority of farmers and small town industries are operating at little or no profit, therefore, I voted "no" on this Bill.

BILL ON FINAL PASSAGE

Agreeably to order,

The House preceeded to the consideration on final passage of House Bill No. 1188, as follows:

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended requiring that bond be filed by political bodies filing nomination papers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as last amended by the act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-five) is hereby further amended to read as follows

Section 3 Nominations of candidates for any public office may also be made by nomination papers signed by qualified electors of the State or of the electoral district or division thereof for which the nomination is made and filed in the proper office as provided in section five of this Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth and no other form than the ones so prescribed shall be used for such purposes Where the nomination is for any office to be filled by the voters of the State at large the number of qualified electors of the State signing such nomination paper shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for In the case of all other nominations the number of qualified electors of the electoral district or division signing such nomination paper shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made Each elector signing a nomination paper shall add to his signature his place of residence and occupation and no person may subscribe to more than one nomination for each office to be filled The signatures to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof which affidavit shall also state whether or not the poltical party represented by such signers have at that time an active organization in at least six counties and if so shall give the names of at least six of such counties such affidavit shall accompany the nomination paper and with such nomination papers representing political bodies not having active organizations in at least six counties shall also be filed a good and sufficient bond in the amount of two thousand five hundred dollars ($2,500) conditioned upon such political body polling at least two per centum of the entire vote cast for such office or offices for which such political body shall have filed nomination papers and in the event of said political body failing to poll the above required percentage of votes then that said bond shall be forfeited to the Commonwealth Provided That if five of the electors composing any political body making a nomination by nomination papers shall file with the prothonotary of the county in which the nomination paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy subject to the limitations of this act regarding the selection of names that thereafter such political body shall have the exclusive right to use the said name or appellation for the election for which such nomination or nominations are made provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the nomination papers filed by such political body And provided further That if five electors composing any political body as hereinbefore provided shall file an affidavit as aforesaid setting forth that they have adopted a certain political name or appellation to designate their policy for the purpose of making nominations for ward officers or officers to be elected in any ward such affidavit shall give to such body of electors the exclusive right to use the said name or appellation for the nomination of any candidates for any precinct or other subdivision of such ward for the election for which such nominations are made

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—187

Achterman,	Fitch,	McHenry,	Simon,
Alexander,	Flanagan,	McKinney,	Simpson,
Allen,	Flinchbaugh,	Melchiorre,	Sinwell,
Altenburg,	Flynn,	Mentzer,	Sloan,
Andrews,	Forrest,	Merrell,	Smith, J. A.,
Arnold,	Furman,	Moomaw,	Smith, W. G.,
Atkins,	Gates,	Mooney,	Snyder, F. E.,
Aukerman,	Gerard,	Moore,	Snyder, J. L.,
Baine,	Gillette,	Moran,	Sowers,
Baker, J J.,	Green,	Moul,	Spangler,
Baldi,	Greenstein,	Muir,	Sproul,
Barnhardt,	Habbyshaw,	Murrin,	Stank,
Bernhard,	Haberlen,	Nagel,	Stevens,
Blumberg,	Hagerty,	Nothnagle,	Stewart,
Boose,	Haluska,	O'Keefe,	Stone,
Boyd, R.,	Hamilton, F. P.,	Ominsky,	Stott,
Boyer,	Hamilton, R. S.,	O'Neill,	Sumney,
Bradley,	Harkins,	Panton,	Surface,
Brancato,	Harmuth,	Patterson, C.,	Tahl,
Brennan,	Hart,	Patterson, J. W.,	Terry,
Brown, H. S.,	Hartman,	Pearson,	Tronzo,
Brownfield,	Hermansen,	Perry,	Trout,
Brumbaugh,	Hetrick,	Peters,	Tumelty,
Cannon,	Hindman,	Pfaff,	Turner,
Caputo,	Hirsch,	Phillips,	Van Allsburg,
Carr,	Hoffner,	Piole,	Van Sickle,
Carson,	Holstrom,	Powers,	Walker,
Castor,	Hoopes,	Reising,	Wall,
Coakley,	Horst,	Reynolds,	Wasserman,
Cochran,	Jones,	Rhys,	Weidemann,
Cohen,	Kelder,	Rinn,	Weiss,
Coleman,	Kelso,	Roan,	Welliver,
Condon,	Kilroy,	Robinson,	Welsh,
Conner,	Kinney,	Ruffennach,	Westrick,
Cordier,	Klingler,	Ruth,	White,
Decker,	Kobelak,	Sarraf,	Wickersham,
Denning,	LaRue,	Scanlon,	Wilson,
Dent,	Long,	Schrock,	Winner,
Dilley,	Longaker,	Schrope,	Witkin,
Downey, G. E.,	Lovett,	Schwab,	Wood,
Downey, J. J.,	Lynch,	Schwartz,	Woodside,
Duffort,	Male,	Shaw,	Yeakel,
Eberharter,	Mallen,	Shepard,	Yourishin,
Eroe,	McCreary,	Shortz,	Zappala,
Falkenstein,	McDermott,	Shreiner,	Zimmerman,
Ferko,	McDevitt,	Shugarts,	Sarig,
Finnerty,	McElroy,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in he affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1987, entitled

An Act to amend section nine hundred and seven of article nine of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing citizens to petition the Attorney General to appoint an attorney to supersede the district attorney in certain cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker, may I ask the sponsor of the bill to explain its provisions?

Mr. REISING. Mr. Speaker and members of the House, the purpose of this bill is to set up an arrangement by which our citizens will have some means of getting protection when there has been an outrage committed upon them after the District Attorney of the particular county or/and the Judge or Judges of the county refuse to take action. Now, to give you an idea of what I have in mind, I will read briefly from an account of a matter that has occurred in Beaver County that I feel will convince you of the justification of this act: "In the recent outrage perpetrated against the colored race four truck loads of innocent negroes were forcibly ejected on a deserted highway on the Greene County line in the middle of a cold winter night, with orders to get out and stay out of Beaver County.'

These people, it seems, were arrested by the local authorities at a boarding house, and when it was found that they did not have the money with which to pay the fine assessed, the county authorities felt that it would be cheaper to the taxpayers to take them out of the community regardless of the rights which they may have under the Constitution.

Then, when the matter was brought to the attention of the District Attorney he would have nothing to do with it, and it was brought to the attention of the county courts, and they likewise would have nothing to do with it.

The matter was brought to the attention of the Governor of the State at that time, who requested the District Attorney to take action and prosecute those who were responsible for the outrage. The result was that the District Attorney refused to take any such action.

Now, the purpose of this bill is that when such an outrage has been committed on any of our people and the District Attorney and the courts refuse to take action, then a petition signed by twenty citizens to the Governor calling his attention to the fact, will authorize and empower him to instruct the Attorney General to make such investigation and prosecute if it is deemed necessary in his judgment, so I feel, members of the House, that this is an important matter and it is needless to go into detail and explain the different sections of the State Constitution that have been violated in this particular instance, and I hope that you will go along with this, because I am sure whatever counties you may come from you would not want such an outrage to be committed on any of your people so, therefore, I would ask you to support this bill.

Mr. SOWERS. Mr. Speaker and members of the House, there isn't any doubt but what an outrage may have occurred, but because an outrage occurs there is no reason why the entire law of Pennsylvania should be changed. When outrages occur and are traceable to persons, you prosecute them but do not change the law. Now, what is the law today? Whenever the President Judge of any county having jurisdiction of a criminal case thinks that the District Attorney should step aside, he requests the Attorney General in writing to come in

and supersede the District Attorney. Now, my friend proposes this law to remedy a condition which he has described. The remedy he proposes is this: "When at least twenty citizens of any county by petition declares that any laws have been violated and then request the Attorney General, the Attorney General shall then supersede the District Attorney and come in and prosecute the case.

In Philadelphia county we have a million population. Anybody could go out and in ten minutes make up a petition and have twenty signers to it and forward it to Harrisburg and then supersede the District Attorney in the trial of a case. With our congested trial list in Philadelphia, if a defendant wanted a continuance, all he would have to do would be to have twenty friends sign a petition, come to the bar of the court through some other person and say to the judge, "We are presenting this petition and forwarding it to Harrisburg," and then the District Attorney would be removed from the prosecution of the case and the Attorney General would have to prosecute it.

You can readily see what a weapon for evil the proposed remedy or measure would be and I ask you to vote "no" on this bill.

Mr. REISING. Mr. Speaker and members of the House, the gentleman just speaking, I am inclined to think, is endeavoring to confuse the issue by going to an extreme.

I explained, I thought, clearly, that only after the district attorney and the courts of the county refused to take action as would be their proper duties, then and then only is the petition to be presented to the Governor. Now, if such cases are in he process of prosecution or are on the trial list waiting to be prosecuted, there is no excuse for the petition in question, but I feel in all fairness to our citizenship that some means of protection should be provided by law. In this particular case in Beaver county, the reason no doubt that the prosecution did not take place at that point was because the officers of the county were really the perpetrators of this crime and they were protecting themselves and their friends by not prosecuting, and the better citizens of the district have suggested that this law is passed. Therefore, I will ask you in all fairness and sincerity to support this measure.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Beaver, Mr. Reising.

The SPEAKER. Will the gentleman from Beaver, Mr. Reising, permit himself to be interrogated?

Mr. REISING. Mr. Speaker, I will.

Mr. HOMER S. BROWN. Mr. Speaker, would the gentleman be willing to place this bill on the postponed calendar so that those who may have an objection, because the number is so small, may have the opportunity to present amendments?

Mr. REISING. Mr. Speaker, I would, only I feel the Senate will probably raise that number somewhat in the form of an amendment, and there will be a chance, therefore, to overcome the objection in the Senate, and I will talk to the Senators with respect to it. I would, therefore, ask that the bill be voted on.

Mr. HOMER S. BROWN. Mr. Speaker, and members of the House, there is no doubt in my mind that this bill is fair and just.

I personally represented the people of whom Mr. Reising spoke about in January, nineteen hundred and thirty-three, who were shanghaied out of their county, taken one hundred and eighteen miles to the state line of West Virginia and returned in the cold of the night without hats and without coats. I personally went to the district attorney of this particular county and had him tell me that he would take no action. We then came to the Governor of the state and to the Attorney General of the state, but because we had no law whereby we could supersede the district attorney without having the consent of the Attorney General that crime went unpunished, and the only thing we got out of it was to see that those in authority were sent tottering on down the line of political oblivion.

I feel that this bill is meritorious, that this bill is just, and even though there be those who think the number ought to be greater, I ask you to support this bill, because it will correct an evil, which constitutes one of the greatest blots of disgrace upon the state of Pennsylvania. For that reason I ask the members to vote in favor of this bill.

Mr. SOWERS. Mr. Speaker and members of the House, I took up the bill with the sponsor and explained to him that twenty persons in Philadelphia merely meant five minutes effort on the part of somebody, and if he wanted to cure an evil he ought to provide in his bill for a substantial portion of the population of a county. In other words, it seemed to me that he ought to provide for one-third of the population of a county or one-fourth of the population of a county. Twenty persons might be all right in a county that had only two thousand inhabitants, but twenty persons in a population of a million and a half is nothing. Therefore, I ask you to vote against this bill.

BILL POSTPONED

Mr. REISING. Mr. Speaker, upon request I move that this bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appear to have it,

Whereupon, a division was called for and one hundred and eleven members having voted in the affirmative the question was determined in the affirmative and the motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1522, entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the revival of municipal and other claims by suggestion of nonpayment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

YEAS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1109, as follows:

An Act requiring specifications for the construction alteration or repair of public work of the Commonwealth county municipality or other subdivisions of the Commonwealth to contain a provision that the laborers or mechanics employed thereon shall have been residents of this Commonwealth for at least ninety days prior to their employment and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the specifications upon which contracts are entered into by the Commonwealth county municipality or other subdivisions of the Commonwealth for the construction alteration or repair of any public works shall contain the provision that laborers and mechanics employed on such public works shall have been residents of the Commonwealth for at least ninety days prior to their employment and failure to keep and comply with such provision shall be sufficient legal reasons to refuse payment of the contract price to the contractor

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. RUTH. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of amendment.

On the question,

Mr. SOWERS. Mr. Speaker and members of the House, the bill before you is House Bill No. 1109, Printer's No. 767, entitled, "requiring specifications for the construction of public works" to contain a clause that residents of the Commonwealth for at least ninety days shall be employed. In other words, if they are not here ninety days they are not to be employed on public works.

It seems to me that the bill is very plain, very simple, it needs no explanation, it needs no further study. You can study it immediately and determine whether or not you approve of the policy of letting non-residents of the Commonwealth to be imported into the Commonwealth to take the labor and the work that belongs to the citizens of Pennsylvania.

I ask you to vote down this motion to recommit.

Mr. RUTH. Mr. Speaker and members of the House, this bill says that any person employed on public works in this Commonwealth must have been a resident of the State of Pennsylvania for at least sixty days. We realize that most of this money comes from the Federal government, and this bill would result in retaliation from other states. We also realize that in normal times it is very hard to get employes for the State highways, because the people are then working in positions that pay them more money. During this time of depression, however, they can get plenty of laborers but under normal conditions they can't get them. The fact that most of this money comes from the Federal government means that this measure will just result, as I have said before, in retaliation from other states.

Mr. SOWERS. Mr. Speaker and members of the House, is it not our great problem to put those who are on the relief rolls to work? Is it not our problem to put Pennsylvanians to work first before we put to work non-residents? The money that comes from the National government to Pennsylvania also goes from the National government to the other states. Let the other states look after their residents, but we should look after our residents first. With a relief expenditure of twenty million dollars a month, it behooves us to save our taxpayers and give the work to our own people and remove as many as possible from the relief rolls.

I ask you to vote "no" on the motion to recommit this bill.

Mr. FURMAN. Mr. Speaker and members of the House, I realize that the purpose back of this bill is good, it is to employ only Pennsylvania residents, but this bill will hurt those in the construction industry and it will also affect the laboring class—I speak especially of skilled laborers and mechanics.

At the present time we have hopes of a large public

works program in this State. That program is going to employ a lot of men who are in the construction industry, who will come into this State as well as those engaged in that industry in our own State who will go into other states.

These men have permanent organizations of skilled mechanics that they wish to carry with them. When they come in from another state it would be unfair to ask them to hire only Pennsylvania men, it would be also unfair to ask our men in this industry when they go into another state to leave their men here unemployed and to pick up men in another state who would not possibly be as efficient.

As far as labor in concerned there are plenty of people in the state of Pennsylvania today who are employed in other states. They may lose their jobs and come back here and by the mere fact that they have not lived here for sixty days, they cannot be employed. As the gentleman from Berks said, this money is being provided by the Federal government, and I think it is only fair that since the Federal government is spending this money, men from any state should be entitled to work here.

As far as this State is concerned, all highway projects at the present time have a provision in the specifications that the contractors shall hire men from the locality where the project is located.

I ask you to support this motion to recommit this bill to the Committee on Highways for further consideration.

The yeas and nays were required by Mr. SOWERS and Mr. MOORE and were as follows:

YEAS—63

Alexander,	Coleman,	Hetrick,	Powers,
Allen,	Cohen,	Hindman,	Robinson,
Andrews,	Decker,	Holstrom,	Ruth,
Arnold,	Diehl,	Kelso,	Schwab,
Baker, J. J.,	Dilley,	Klingler,	Shugarts,
Boose,	Downey, G. E.,	Kobelak,	Siegel,
Boyer,	Eberharter,	LaRue,	Simon,
Bradley,	Eroe,	McDermott,	Sinwell,
Brown, J. E.,	Falkenstein,	McElroy,	Sloan,
Brownfield,	Flinchbaugh,	Moul,	Stone,
Brumbaugh,	Furman,	Nagel,	Tronzo,
Caputo,	Gerard,	O'Keefe,	Van Sickle,
Carson,	Hamilton, F. P.,	O'Neill,	Welliver,
Chervenak,	Harkins,	Panton,	Zappala,
Coakley,	Harmuth,	Patterson, C.,	Sarig,
Cochran,	Hartman,	Patterson, J. W.,	

NAYS—114

Achterman,	Green,	Moore,	Spangler,
Altenburg,	Greenstein,	Moran,	Sproul,
Aukerman,	Haberlen,	Muir,	Stank,
Baine,	Hagerty,	Nothnagle,	Stevens,
Baker, F. T.,	Haluska,	Ominsky,	Stewart,
Baldi,	Hamilton, R. S.,	Pearson,	Stott,
Barber,	Hart,	Perry,	Sumney,
Barnhardt,	Hermansen,	Peters,	Surface,
Bernhard,	Hirsch,	Pfaff,	Tahl,
Blumberg,	Hoffner,	Phillips,	Terry,
Boyd, R.,	Jones,	Piole,	Trout,
Brancato,	Kane,	Reising,	Tumelty,
Brennan,	Kelder,	Reynolds,	Turner,
Burke,	Kilroy,	Rhys,	Van Allsburg,
Cannon,	Kinney,	Rinn,	Wall,
Castor,	Long,	Roan,	Wasserman,
Condon,	Longaker,	Ruffennach,	Weidemann,
Coolahan,	Lovett,	Sarraf,	Welsh,
Cordier,	Lynch,	Scanlon,	Westrick,
Denning,	Male,	Schrock,	White,
Dent,	Mason,	Schrope,	Wickersham,
Downey, J. J.,	McCreary,	Shaw,	Wilson,
Duffort,	McDevitt,	Shepard,	Winner,
Ferko,	McKinney,	Shortz,	Witkin,
Finnerty,	Melchiorre,	Shreiner,	Wood,
Fitch,	Mentzer,	Simpson,	Woodside,
Flanagan,	Merrell,	Snyder, F. E.,	Yeakel,
Forrest,	Moomaw,	Snyder, J. L.,	Yourishin,
Gates,	Mooney,	Sowers,	Zimmerman,
Gillette,			

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker and members of the House, this measure is provincialism and praochialism gone mad.

Under the provisions of this act, which contained no prior residence clause, any mechanic who happened to be out of the State, working in his employment, could not return to the state of Pennsylvania and accept employment on a going contract. In that respect it is not an aid but a barrier to Pennsylvania labor.

The serious question that this House faces is whether we are going to draw barriers between the states, interfering with the ordinary flow of occupation and commerce. If we have reached the point where Pennsylvania desires to establish a protective tariff in defiance of the Constitution, then this bill is justified. This measure does not protect anybody but small contractors operating locally, with weak organizations.

The members of the House would do well to bear that fact in mind. provincialism and parochialism gone mad. If you had a tremendously big contract in your county, under the provisions of this act it would inevitably follow that some small contractor operating locally would be the only man in a position to give service.

I hope the House defeats this wholly ridiculous, preposterous measure.

Mr. SOWERS. Mr. Speaker and members of the House, my friend from Cambria, Mr. Andrews, is laboring under a misapprehension in his definition of the word "resident." I may be a resident of Pennsylvania and may go to Atlantic City for sixty days during the summer on a vacation, but I do not lose my residence. I may go out of the State to work for even a year, but my residence is still in Pennsylvania. My abode may be in another state temporarilly but my residence is still in Pennsylvania. I think my friend is misconstruing the word "resident." I, therefore, again ask you to vote for this bill.

Mr. ANDREWS. Mr. Speaker and members of the House, notwithstanding the gentleman's definition of the word "resident" the act says that the resident must have resided in this State ninety days prior to the period of employment. Mr. Speaker, that is not defining the status of a resident. This act is an act locating the location of a resident, and unless the resident has voted in his home state prior to the employment, he could not be employed under this act.

If the gentlement thinks otherwise, he should amend the language of this act, because he is too good a Constitutional lawyer, too good a criminal court lawyer to know that he cannot go into any court on the basis of the language in the present act.

Mr. SOWERS. Mr. Speaker and members of th House, this bill is very mild in its application and very mild in principle.

We have a member of this House who, not long ago, took a contract in the state of New York for the digging of a well, and it was provided that every one of his employes must be residents of the State of New York. New York will not permit Pennsylvanians to go over there

and engage in public works. This bill provides for ninety days, but New York provides for a much longer period. I do not understand why Pennsylvania should not have the same protection, that many, many other states have for their citizens and residents.

I ask the members of the House to think seriously about that word "resident." If you are a resident of Pennsylvania, you are a citizen of Pennsylvania. If you are temporarily absent from Pennsylvania and come back, you are not deprived of your right to vote, and neither will you be deprived, by reason of being absent for a month or a week or two months from coming back to Pennsylvania and going to work in the State in which you are a citizen.

Mr. TURNER. Mr. Speaker and members of the House, I had not intended to say anything on this measure, but in view of the turn that the debate has taken, I do believe that I ought to call to the attention of the members of the House that also in the State of Delaware, you cannot get a job there unless you are a resident of the State of Delaware. Delaware County borders on the state of Delaware. In the lower end of our county we have at the present time many residents, many taxpayers, home owners, who are out of employment and there are people coming in from Delaware and Maryland who work all week, collect their pay on Saturday, and go back down into Delaware and Maryland and spend their pay, and have their families down there while our people in Delaware county are out of work. If Delaware wants to keep our people out, it seems tmoe only fair that we should have some protection for the people of the State of Pennsylvania.

Mr. COHEN. Mr. Speaker and members of the House, I also come from a border county, the Maryland line being possibly not more than ten or fifteen miles from my home.

I think that this type of legislation or any type of legislation that accentiates the theory of high provincialism, as does this act, is faulty.

After all, the United States is one unit, and if we establish state barriers, we are only accentuating the differences in state rights and individuals, and it will only tend to disintegrate the unity of the nation to the benefit of the individual states or individual states rights.

I think the majority of this House and the minority should realize what an extension of this theory did bring to the United States and what a further extension of the theory could do. As I have said, we are, after all, one unit.

The gentleman from Delaware, Mr. Turner, has cited to you an instance where workers from the State of Delaware ar employed in the State of Pennsylvania and take their money back into Delaware. But does he cite to you any number of instances in which individuals, in Delaware, earning their livelihood in the State of Delaware, come up into the city of Philadelphia, for instance, or come up into Pennsylvania and spend their money here?

When we set up these false economic barriers it is only going to accentuate the differences between the states and tends to disintegrate the government of the United States.

Mr. TURNER. Mr. Speaker and members of the House, I have a great deal of respect for the logical reasoning of the gentleman from York, but his memory must be extremely short, because, a few weeks ago we had before this House a measure that provided for a tax upon foreign trucks coming into Pennsylvania, by which we would set up barriers and ports of entry. If my memory serves me right, the gentleman from York and the gentleman from Cambria supported that measure, which did erect a barrier around the state of Pennsylvania, which did discriminate against foreign owned trucks entering Pennsylvania, while our own trucks at the same time travel the routes in other states.

Mr. ANDREWS. Mr. Speaker and members of the House, the gentleman from Delaware is in error. I did not support the port of entry bill, because I knew the port of entry bill was a Pennsylvania railroad bill, disguised as a tax measure and I also knew that the port of entry bill set up arbitrary and unnecessary barriers against the flow of commerce and of trade. I opposed the port of entry bill for the same definite reason and on the basis of the same logic that I oppose this measure.

Mr. COHEN. Mr. Speaker and members of the House, I appreciate the fine logic of the gentleman from Delaware and I appreciate that he has called to my attention possibly an incident of the only kind where I might have been inconsistent. Since the gentleman has commented upon my logic, allow me to explain to the gentleman from Delaware the conclusions, the logical conclusions, that I utilized in differentiating between the two bills.

In the first place, the port of entry bill has imposed on foreigners the same obligations that the residents of the Commonwealth of Pennsylvania have, and, in the second place, this bill does not so do. This bill is an attempt to deprive individuals of their rights to come into the Commonwealth of Pennsylvana and give something constructive to the Commonwealth of Pennsylvania—their labor, their sweat, their toil, and their creative ability.

In the port of entry bill we were trying to equalize what the foreigners were taking out of Pennsylvania. In this bill we are trying to receive the benefits of what the foreigners will bring into Pennsylvania.

Mr. JOHN E. BROWN. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from PhPiladelphia, Mr. Moore, permit himself to be interrogated?

Mr. MOORE. Mr. Speaker, I will.

Mr. JOHN E. BROWN. Mr. Speaker, I would like to know if labor has requested the introduction of this legislation?

Mr. MOORE. Mr. Speaker, the labor people from my district have asked me to introduce such a measure.

Mr. JOHN E. BROWN. Mr. Speaker, then it is all right for the gentleman to sponsor the bill. I hardly think that labor as a whole would endorse anything of the kind, because in labor there is a brotherhood, not only in the state of Pennsylvania and in the United States but all over the whole world.

I would like to state that if I were a contractor in the state of Pennsylvania and if the labor in the state didn't suit me, there would be nothing to hinder me from sending to Europe to get my labor. I can send to any civilized country in Europe and bring labor into Pennsylvania.

This legislation would not suit me. The United States government has treaties of friendship with every civilized nation in the world. Our citizens can go to Europe and work in any country there. They are under the laws of

that country but as long as they live up to the laws of that country, they have the same rights as the citizens of that country.

There is a brotherhood in labor, and labor does not ask for the passage of this legislation.

We can't put an imaginary wall around the state of Pennsylvania as a barrier against Maryland, New York, and West Virginia, for example. We should be free and labor should be free to go from one state to another.

I ask you to vote against the passage of this bill.

Mr. McDEVITT. Mr. Speaker and members of the House, we have had a very interesting discussion here on Pennsylvania labor and things of that character, but the only thing involved under this bill is the expenditure of government money to be received by Pennsylvania for the purpose of public works. That is the only thing that this bill applies to. Delaware gets money, Maryland gets money, Ohio, New Jersey and New York, and they will spend their money on their people. Let us spend our money on our people. That is the only point involved here; to take care of Pennsylvania's unemployed with government money.

Mr. HALUSKA. Mr. Speaker and members of the House, I rise to favor this bill, because I say, Mr. Speaker, it is a very important piece of legislation. We as members of this House must appropriate so much money to meet the requirements of the Federal Government. We also say how this money is to be spent and to whom it goes.

I had specific cases back in my town last week. There were four families who came in from Ohio, and within four days they were working, and people, life long residents of our county, were not able to get work. Is that fair? Neighboring states now have legislation providing for their people. Why shouldn't we? I have that every member of this House will carefully consider his vote and give it deep consideration and vote "aye" on this bill.

Mr. FURMAN. Mr. Speaker and members of the House, there is no doubt in my mind that if we pass this measure the other states are going to pass similar measures prohibiting our residents from accepting work on public works projects in other states.

I come from the Western end of this State. We are near the states of Ohio and West Virginia as an example of what this measure will do: at the present time, I want to cite to you people the fact that the Federal government has under way a flood control program involving millions and millions of dollars. These projects are practically all located in the states of Ohio and West Virginia. The one in West Virginia is the Tiger Valley Dam involving a great many millions of dollars; the money is being appropriated by the Federal government and this project will take several years before it is completed. If the state of West Virginia says that only residents of West Virginia shall work on this project, it is going to hurt the laboring men in the state of Pennsylvania and similarly if the state of Ohio should pass a bill similar to this measure.

Because of the amount of money involved in these projects in these states, they will come into the state of Pennsylvania to get labor, but if we enact this measure into law we will be working against the interest of the laboring man in Pennsylvania. For that reason I ask you people to defeat this measure.

Mr. MOOMAW. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Moore, permit himself to be interrogated?

Mr. MOORE. I will, Mr. Speaker.

Mr. MOOMAW. Mr. Speaker, in view of the fact that some of the other states apparently have legislation similar to this bill, I am wondering whether the sponsor of it would consent to place this bill upon the postponed calendar, so that amendments may be drawn making it a restrictive measure rather than a mandatory measure.

Mr. MOORE. Mr. Speaker and members of the House, this bill was introduced on February 21, and referred to the Committee on State Government. The bill was given full consideration in the committee, and reported out, after due consideration, on the floor of the House. I will not commit myself in sending this bill back to committee or putting it on the postponed calendar. I ask the members to vote "yes" or "no" on this bill.

Mr. SCHROPE. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. White, Wall, Baldi, Forrest, Peters, Winner, Tahl, Francis T. Baker, Schrock, Yeakel, Perry, Habbyshaw, Woodside, Shreiner, Surface, Jones, Flynn, James L. Snyder, Cordier, Bernhard, Hart, Castor and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—127

Achterman,	Finnerty,	McDevitt,	Shreiner,
Allen,	Fitch,	McElroy,	Simpson,
Altenburg,	Flanagan,	McKinney,	Sloan,
Atkins,	Forrest,	Melchiorre,	Snyder, F. E.,
Aukerman,	Gates,	Mentzer,	Snyder, J. L.,
Baine,	Gillette,	Merrell,	Sowers,
Baker, F. T.,	Green,	Moomaw,	Spangler,
Baldi,	Greenstein,	Mooney,	Sproul,
Barber,	Habbyshaw,	Moore,	Stevens,
Barnhardt,	Haberlen,	Moran,	Stewart,
Bernhard,	Hagerty,	Muir,	Stott,
Blumberg,	Haluska,	Nothnagle,	Tahl,
Boyd, R.,	Hamilton, R. S.,	Ominsky,	Terry,
Brancato,	Hart,	O'Neill,	Trout,
Brennan,	Hetrick,	Panton,	Tumelty,
Brumbaugh,	Hirsch,	Parks,	Turner,
Burke,	Hoffner,	Patterson, J. W.,	Van Allsburg,
Cannon,	Holstrom,	Perry,	Van Sickle,
Carr,	Horst,	Peters,	Walker,
Castor,	Jones,	Pfaff,	Wall,
Coakley,	Kane,	Phillips,	Wasserman,
Coleman,	Kelder,	Reising,	Weidemann,
Condon,	Kilroy,	Reynolds,	Weiss,
Conner,	Kinney,	Rhys,	Welliver,
Cordier,	Long,	Rinn,	White,
Denning,	Longaker,	Roan,	Wickersham,
Dent,	Lovett,	Scanlon,	Winner,
Downey, G. E.,	Lynch,	Schrock,	Witkin,
Downey, J. J.,	Male,	Schrope,	Wood,
Duffort,	Mallen,	Schwartz,	Woodside,
Eroe,	Mason,	Shepard,	Yeakel,
Ferko,	McCreary,	Shortz,	Zimmerman,

NAYS—58

Alexander,	Eberharter,	McDermott,	Shugarts,
Andrews,	Falkenstein,	Moul,	Siegel,
Arnold,	Flinchbaugh,	Murrin,	Simon,
Baker, J. J.,	Furman,	O'Keefe,	Sinwell,
Boose,	Gerard,	Patterson, C.,	Smith, W. G.,
Boyer,	Hamilton, F. P.,	Pearson,	Stank,
Brown, J. E.,	Harkins,	Piole,	Stone,
Brownfield,	Harmuth,	Powers,	Tronzo,
Caputo,	Hermansen,	Robinson,	Welsh,
Carson,	Hindman,	Ruffennach,	Westrick,

Chervenak,	Hoopes,	Ruth,	Wilson,
Cochran,	Kelso,	Sarraf,	Yourishin,
Cohen,	Klingler,	Schwab,	Zappala,
Diehl,	Kobelak,	Shaw,	Sarig,
Dilley,	LaRue,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 419, entitled:

An Act to encourage industry and benefit labor by prohibiting any and all institutions which receive state aid through appropriation or grant of money from the state treasury or which are exonerated from the payment of any taxes by any city borough township or county from manufacturing or producing any printed matter of any description whatsoever for sale to the public in competition with any person co-partnership association or corporation engaged in the business of printing or publishing.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mallen,	Shreiner,
Alexander,	Falkenstein,	Mason,	Shugarts,
Allen,	Ferko,	McCreary,	Siegel,
Altenburg,	Finnerty,	McDermott,	Simon,
Andrews,	Fitch,	McDevitt,	Simpson,
Arnold,	Flanagan,	McElroy,	Sinwell,
Atkins,	Flinchbaugh,	McHenry,	Sloan,
Aukerman,	Flynn,	McKinney,	Smith, J. A.,
Baine,	Forrest,	Melchiorre,	Smith, W. G.,
Baker, F. T.,	Furman,	Mentzer,	Snyder, F. E.,
Baker, J. J.,	Gates,	Merrell,	Snyder, J. L.,
Baldi,	Gerard,	Moomaw,	Sowers,
Barber,	Gillette,	Mooney,	Spangler,
Barnhardt,	Green,	Moore,	Sproul,
Bernhard,	Greenstein,	Moran,	Stank,
Blumberg,	Habbyshaw,	Moul,	Stevens,
Boose,	Haberlen,	Muir,	Stewart,
Boyd, R.,	Hagerty,	Murrin,	Stone,
Boyer,	Haluska,	Nagel,	Stott,
Bradley,	Hamilton, F. P.,	Nothnagle,	Sumney,
Brancato,	Hamilton, R. S.,	O'Keefe,	Surface,
Brennan,	Harkins,	Ominsky,	Tahl,
Brown, J. E.,	Harmuth,	O'Neill,	Terry,
Brown, H. S.,	Hart,	Panton,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jackson,	Reynolds,	Welliver,
Cohen,	Jones,	Rhys,	Welsh,
Coleman,	Kane,	Rinn,	Westrick,
Condon,	Kelder,	Roan,	White,
Conner,	Kelso,	Robinson,	Wickersham,
Coolahan,	Kilroy,	Ruffennach,	Wilson,
Cordier,	Kinney,	Ruth,	Winner,
Decker,	Klingler,	Sarraf,	Witkin,
Denning,	Kobelak,	Scanlon,	Wood,
Davies,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Longaker,	Schwartz,	Zappala,
Downey, J. J.,	Lovett,	Shaw,	Zimmerman,
Duffort,	Lynch,	Shepard,	Sarig,
Eberharter,	Male,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1473, entitled:

An Act imposing a graduated income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WICKERSHAM. Mr. Speaker and members of the House, I am against this bill, because I do not believe that it supplies the best solution to the problem of affording relief for real estate. I may say at the outset that I favor the principle of this bill.

As I understand the statement of the Administration leaders, the income tax is the only source of tax which will be acceptable for the relief of real estate for school purposes.

We all know that a graduated income tax may very well be declared unconstitutional. If that fact prove to be true, it is important that we obtain the best possible income tax laws for school purposes.

I would suggest to this House that there is another way to attack this problem, which will guarantee to relieve real estate for school purposes, and that is instead of passing a graduated income tax bill, this House should pass a flat income tax bill and at the same time pass an amending act containing the graduated features. In this manner the problem will be put up to the Supreme Court and if they declare the amending act unconstitutional, we will still have the flat income tax which will produce about the same revenue.

I have not heard any of the Administration leaders say what they propose to do if this act is declared unconstitutional, but I have heard almost every member of this House say that there should be some relief for real estate. Now, that can be done in the way I have suggested. Of course, I favor a graduated income tax over a flat income tax, but I favor a flat tax rather than no tax at all.

Prior to the time that this bill was introduced, I introduced two such bills in this House. One of them is House Bill No. 1251 providing for a flat income tax, the revenue of which would go for the relief of real estate, and the other is House Bill No. 1363 which is an amending act containing the graduated features. If the House will consider these two acts, and if the House will pass those acts, we will be sure of relief for real estate.

If we pass this act and it is declared unconstitutional, there is not going to be any relief for real estate. Therefore, I am against this measure because I think there is a better way of approaching the problem.

Mr. SOWERS. Mr. Speaker and members of the House, the bill before you, providing for income taxes and the assigning of the money supposedly for the relief of real estate, seems to me to be a misnomer.

I think the bill ought to be entitled, An act to relieve all corporations in this Commonwealth from paying the school tax.

I cannot understand the suggestion or the wisdom of the suggestion of letting the Widener Building in Philadelphia, owned by a corporation, escape paying school taxes and then not paying an income tax, because it has no income. I don't understand the wisdom of the thought of taking a couple of dollars from a real estate owner's property, because it is labeled school tax and then taking the great manufacturing plants in this Commonwealth and taxing them for school purposes when they will say in return "We have no income and we will, therefore, pay no taxes for school purposes."

I say that this bill was conceived in some secret corner for the purpose of enabling the great manufacturing companies of this state to escape the burden they now have of paying school taxes. I hope my friends on the Democratic side will not go along and help these corporations to get out of paying their proper school taxes.

Mr. VanSICKLE. Mr. Speaker and members of the House, I have listened with interest to the discussion from the members of the minority party.

Mr. Wickersham's objections based upon the idea that this is the graduated income tax with exemptions or deductions, and his idea was to have a straight income tax and a subsequent bill with the exemptions or deductions and graduations.

What would be the result of such a bill? If the Supreme Court should declare the other bill containing the exemptions and the deductions and graduations unconstitutional, then we would have a bill only a flat rate. Who woould this affect? It would affect again the very man you are trying to relieve because it would mean that a married man with an income of $1500 would have a nadditional tax of $30 every year to pay. There is only one way to bring this squarely before the Supreme Court of Pennsylvania and that is by having in it the exemptions, deductions and graduations and let them once and for all decide whether such a bill is constitutional. If they declare that it is not constitutional, then we surely will know that it is our duty to change the Constitution to make such an act constitutional.

I was very much interested also in listening to the discussion of Mr. Sowers, the gentleman from Philadelphia, in saying that this bill was designed to protect the corporations. There are many revenue measures before this House and before the Senate which will compel corporations to pay a fair share of the expenses of the government and if the minority party is in favor of having the corporations pay their fair share of the expenses of the government, then let them go to the Senate and have the Senate pass those bills.

My friends, this bill is designed to save the small home owner, because I need only to call to your attention the fact that the expense of the school tax is paid by the small home owner in your community as against the money paid by the manufacturing corporations.

I therefore, ask the members of this House to vote for this bill, in order that we may have a final determination upon its constitutionality.

Mr. WICKERSHAM. Mr. Speaker, I would like to interrogate the gentleman from Northampton, Mr. Van Sickle.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. VanSICKLE. Mr. Speaker, I will.

Mr. WICKERSHAM. Mr. Speaker, if this act is passed and enacted into law and the Supreme Court declares it unconstitutional, what immediate relief do you propose for real estate?

Mr. VanSICKLE. Mr. Speaker, in answer to the gentleman from Dauphin County, Mr. Wickersham, I will say that it will give no relief but at the same time it will not place an additional burden upon the home owner as would be the case if we had a flat rate.

Mr. WICKERSHAM. Mr. Speaker, do I understand that if this bill is declared unconstitutional we will have no relief on real estate during this Session?

Mr. VanSICKLE. Mr. Speaker, and also no burden—no additional burden.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	Mason,	Shortz,
Altenbourg,	Finnerty,	McCreary,	Shreiner,
Andrews,	Fitch,	McDermott,	Shugarts,
Arnold,	Flanagan,	McDevitt,	Siegel,
Atkins,	Flinchbaugh,	McElroy,	Simon,
Aukerman,	Flynn,	McHenry,	Simpson,
Baine,	Forrest,	McKinney,	Sinwell,
Baker, F. T.,	Furman,	Melchiorre,	Sloan,
Baker, J. J.,	Gates,	Mentzer,	Smith, J. A.,
Baldi,	Gerard,	Merrell,	Smith, W. G.,
Barber,	Gillette,	Moomaw,	Snyder, F. E.,
Barnhardt,	Green,	Mooney,	Snyder, J. L.,
Bernhard,	Greenstein,	Moore,	Sowers,
Blumberg,	Habbyshaw,	Moran,	Spangler,
Boose,	Haberlen,	Moul,	Sproul,
Boyd, R.,	Hagerty,	Muir,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Hart,	Ominsky,	Sumney,
Brown, J. E.,	Harmuth,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Terry,
Brumbaugh,	Hefferon,	Parks,	Tronzo,
Burke,	Hermansen,	Patterson, C.,	Trout,
Cannon,	Hetrick,	Patterson, J. W.,	Tumelty,
Caputo,	Hindman,	Pearson,	Van Allsburg,
Carr,	Hirsch,	Perry,	Van Sickle,
Carson,	Hoffner,	Peters,	Walker,
Castor,	Holstrom,	Pfaff,	Wall,
Chervenak	Hoopes,	Phillips,	Wasserman,
Coakley,	Horst,	Piole,	Weidemann,
Cochran,	Jackson,	Powers,	Weiss,
Cohen,	Jones,	Reising,	Welliver,
Coleman,	Kane,	Reynolds,	Welsh,
Condon,	Kelder,	Rhys,	Westrick,
Conner,	Kelso,	Rinn,	White,
Coolahan,	Kilroy,	Roan,	Wilson,
Cordier,	Kinney,	Robinson,	Winner,
Decker,	Klingler,	Ruffennach	Witkin,
Denning,	Kobelak,	Ruth,	Wood,
Dent,	LaRue,	Sarraf,	Woodside,
Diehl,	Linderman,	Scanlon,	Yeakel,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz	Sarig,
Eberharter,			

NAYS—2

Turner,	Wickersham,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 70.

An Act to amend sections one and seven as amended clauses (a) and (d) and clause (g) as amended of section fifteen and clauses (b) and (c) as amended of section twenty-three and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards.

SENATE BILL No. 256.

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit

Whereupon,

The SPEAKER, in the presence of the House signed the same.

REPORT FROM COMMITTEES

Mr. HOMER S. BROWN, from the Committee on Cities, reported as amended, House Bill No. 2314, entitled:

An Act authorizing cities of the Second class to issue and sell short term promissory notes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair is about to declare a recess until three o'clock this afternoon. The purpose of reconvening at so early an hour is because of the fact that we have some sixty bills on the third reading calendar. We also wish to adjourn early this evening, about five or five thirty, on account of the reception being given by the Governor and Mrs. Earle. The Chair, therefore, requests that the members be in their seats promptly because we will begin roll calls immediately.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Elections will meet immediately after this session in the Conference Room.

The Committee on Public Health and Sanitation will meet immediately after this session in the Conference Room.

The Committee on Judiciary Local will meet at 2:30 P. M. today in Room 325.

The Committee on Public Utilities will meet at 2:30 P. M. today in Room 521.

The Committee on Constitutional Amendments will meet tomorrow at 9:45 A. M.

RECESS

The SPEAKER. If there are no objections, the Chair is about to declare a recess until 3:00 P. M. Are there objections? The Chair hears none, and declares a recess until 3:00 P. M.

AFTER RECESS

The House reconvened at 3:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PERMISSION GRANTED LIQUOR CONTROL INVESTIGATING TO SIT DURING SESSION OF HOUSE

Mr. TAHL. Mr. Speaker, I move that the Committee investigating the Liquor Control Board be granted permission to sit during the session of the House.

The motion was agreed to.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. PEARSON and HARMUTH.

RESOLUTION No. 140.

In the House of Representatives, April 29, 1935.

Whereas, It appears from experience in other states in the Union that the installation of an electrical roll call system in the legislative bodies of said states has proved entirely desirable and practical; and

Whereas, Because of its large membership, a great part of the time of the Pennsylvania House is taken up in roll calls; and

Whereas, It appears that the installation of an electrical roll call system would not only result in a great saving of time in the conduct of the business in the House of Representatives in the Commonwealth of Pennsylvania, but would result in a substantial saving of money to the taxpayers of the State; therefore, be it

Resolved, That an electrical roll call system be installed by the Department of Property and Supplies in the chamber of the House of Representatives of the Commonwealth of Pennsylvania before the next Session of the General Assembly, such system to be substantially of the same kind and character as that which has heretofore been installed in the Capitols of Virginia, Wisconsin,

Louisiana, Nebraska, Iowa, Texas, California, and West Virginia, all of which have adopted and installed an electrical roll call system; be it further

Resolved, That an item of appropriation to the Department of Property and Supplies, sufficient to pay for the installation of said system, be included in the General Appropriation Bill.

Referred to the Committee on Rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 88

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 88, Printer's No. 736, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. HART. Mr. Speaker, I move that the bill together with the communication be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1156

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1156, Printer's No. 700, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. JOHN J. BAKER. Mr. Speaker, I move that the bill together with the communication be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1143

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 30, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1143, Printer's No. 500, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. TERRY. Mr. Speaker, I move that the bill together with the communication be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has consurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 29, 1935.

Resolved (if the Senate Concur) That House Bill No. 445, Printer's No. 154, entitled:

An Act supplementing the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of department in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing additional credit for service and prior service for State employes who were formerly employed as teachers principals or superintendents in the public school system of the Commonwealth

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 29.

A Joint Resolution proposing an amendment to article fourteen of the constitution of the Commonwealth of Pennsylvania by adding section eight

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 29.

A Joint Resolution proposing an amendmendt to article fourteen of the constitution of the Commonwealth of Pennsylvania by adding section eight

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. SARRAF, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 2412, entitled:

An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and projects to provide dwelling accommodations for persons of low income; to provide for the creation of such housing authorities; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property by purchase, gift or eminent domain, and including borrowing money, issuing revenue and credit bonds and other obligations, and giving security therefor; to confer remedies on obligees of housing authorities; to provide that the bonds of the authority shall be legal investments; to provide that housing authorities, their property and securities shall be tax exempt; and imposing duties and conferring powers on certain State officers and boards.

Mr. JOHN J. BAKER, from the Committee on Cities reported as amended, House Bill No. 1816, entitled:

An Act empowering cities of the first and second classes to levy, assess and collect, or to provide for the levying, assessment and collection, of an excise tax against electric light, heat and power companies, natural gas companies, artificial gas companies, water companies, telephone companies, steam heating companies, and taxicab companies, and certain individuals operating taxicabs.

Mr. FITCH, from the Committee on State Government reported as committed, House Bill No. 2491, entitled:

An Act to variously amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, boards, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivision, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; further regulating refunds; further regulating the deposits of State moneys and the security therefor; and providing additional penalties for late filing of certain reports.

Mr. HABBYSHAW, from the Committee on Public Health and Sanitation reported as committed, House Bill No. 2034, entitled:

An Act to promote public health, safety, morals and general welfare by providing for the elimination of unsanitary and dangerous housing conditions, and the construction and supervision of safe and sanitary dwellings and apartments, and for the renting thereof; creating a State Housing Authority as a body corporate and politic; prescribing and defining its powers and duties, including the power to construct, purchase, lease, and operate housing projects and the power to supervise and regulate certain municipal, private and semi-public housing companies and corporations; authorizing said Authority to fix within certain limits rentals of housing accommodations constructed under the provisions of this act; authorizing said Authority to issue bonds for the financing of its housing projects, providing such housing projects are self-supporting and self-liquidating, and to enter into agreements with the Government of the United States, or any Federal agency; granting the right of eminent domain; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation.

Mr. CONDON, from the Committee on Judiciary Local reported as committed, House Bill No. 2531, entitled:

An Act requiring State-aided medical and surgical hospitals to make certain reports to the General Assembly, and denying further aid to a hospital unless such report is made.

Mr. HABBYSHAW, from the Committee on Elections reported as committed, House Bill No. 2777 (Senate Bill No. 22), entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties.

TIME EXTENDED ON BILL

Mr. ZIMMERMAN. Mr. Speaker, I move that the time on House Bill No. 977, Printer's No. 585, entitled:

An act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships

on page 36 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1763, entitled:

An Act providing that pawnbrokers shall not sell or dispose of property taken by them as pledge or for storage until after a certain period of time.

On the question,
Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. DENNING. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1764, entitled:

An Act limiting the rates pawnbrokers are allowed to charge

On the question,
Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. DENNING. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2030, entitled:

An Act to amend the act approved the twenty-eighth day of April one thousand eight hundred eighty-seven (Pamphlet Laws sixty-three) entitled "An act in relation to the imprisonment government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" by revising and changing the method of paroling inmates from the Pennsylvania Industrial School and for their final discharge.

On the question,
Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 10 an page 2, line 2, by striking out the word "of" and inserting in lieu thereof the word "to"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,
Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1524, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 57, entitled:

An Act revising and consolidating the laws relating to the time for filing reports of viewers to continuances to final confirmation of such report or portions thereof where no exceptions are filed or appeals taken or reviews asked for and to the collection of damages in such proceedings

On the question,
Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. MASON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2485, entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuation thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and public service companies and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1147, entitled:

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and/or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefits thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2324, entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, J. J.,	Furman,	Merrell,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 968, entitled:

An Act prohibiting certain persons from being interested in the manufacture or sale of machinery equipment materials feed supplies or other things used by milk producers and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Mcomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1947, entitled:

An Act to amend clause (b) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeitures of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and decrees relative thereto and to the fees therefor" as amended extending the period for a surviving spouse to elect to take under or against a will in case a will is contested

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1072, entitled:

An Act to amend section one paragraphs thirteen and fourteen of section five and section seven of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred eighty-five) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" regulating the holding and vote of common stock of cooperative agriculture associations by similar corporations or associations

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. HABERLEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2085 (Senate Bill No. 560), entitled

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens one to be known as the general judgment or lien index or docket and the other to be known as the in rem judgment or lien index or docket

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2099, entitled:

An Act to amend section one of article fourteen of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" by requiring the erection of wash houses under certain conditions at bituminous mines in this Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2203, entitled

An Act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred seventy-three) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" requiring dealers in securities to make reports of their financial condition

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Dilley,	Long,	Schrope,	Yeakel,
Diehl,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2380, entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

And said bill having ben read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2051, as follows:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by adding thereto township bridges and by adding thereto a new section providing for the retention of certain bridges by the county under certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" as last amended by the Act approved the thirteenth day of April on thousand nine hundred thirty-three (Pamphlet Laws thirty) is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That where any county or township is responsible for the construction or maintenance of any bridge on a State highway route carrying vehicular traffic over a stream or over a stream and the facilities of any public service company or on a continuation of a State highway route through any borough or incorporated town or which is located on a continuation of a State highway route and part of which extends into the municipal limits of a third-class city the [county's] responsibility of such county or township shall be assumed by the Commonwealth except as hereinafter in this act provided All such bridges shall be taken over by the Department of Highways and shall be built rebuilt repaired and maintained by the department at the expense of the Commonwealth This act shall not be construed to relieve any person firm association or corporation from any obligation for the construction or maintenance of any such bridge under any agreement or order of court or under any order of the Public Service Commission heretofore or hereinafter made

Section 2 That section six of the said Act is hereby amended to read as follows

Section 6 This act shall not be construed to place upon the Commonwealth of Pennsylvania the responsibility for the construction or maintenance of any bridge on a State highway route [or continuation thereof] within the limits of any [borough incorporated town or] third-class city if such highway was established subsequently to the first day of January one thousand nine hundred and thirty-one or any bridge which the county desires to retain as a county bridge in the manner hereinafter provided

Section 3 "That the following new section shall be added to the act

Section 6A. Any county desiring to retain as a county bridge any of the bridges affected by this act, may do so, subject to the approval of the Secretary of Highways, by making application prior to the first day of September, one thousand nine hundred thirty-five, to the Secretary of Highways, setting forth the county's reasons for desiring to have the structure as a county bridge, accompanied by a resolution agreeing to maintain and reconstruct such bridge in accordance with the standards of the Department of Highways.

Section 4 This act shall become effective the first day of January one thousand nine hundred thirty-six"

On the question,

Will the House agree to the bill on third reading?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 3, page 4, line 20 ,by striking out the apostrophe before the word "That"

Amend Sec. 4, page 5, line 5, by striking out the apostrophe after the word "thirty-six"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1044, entitled:

An Act to amend section two of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of decreased persons; and providing penalties," granting licenses by the Board without examination to certain persons having had at least three years' practical experience as embalmer or undertaker under certain conditions.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. CLIFF S. PATTERSON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1552, entitled:

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providng revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended eliminating the provision which requires that county and district superintendents of schools shall have had three years experience in a supervisory or administrative capacity

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1692, entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" limiting the time within which claims for refunds must be made

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Murrin,	Stone,
Boyer,	Haluska,	Nagel,	Stott,
Bradley,	Hamilton, F. P.,	Nothnagle,	Sumney,
Brancato,	Hamilton, R. S.,	O'Keefe,	Surface,
Brennan,	Harkins,	Ominsky,	Tahl,
Brown, H. S.,	Harmuth,	O'Neill,	Terry,
Brown, J. E.,	Hart,	Panton,	Tronzo,
Brownfield,	Hartman,	Parks,	Trout,
Brumbaugh,	Hefferon,	Patterson, C.,	Tumelty,
Burke,	Hermansen,	Patterson, J. W.,	Turner,
Cannon,	Hetrick,	Pearson,	Van Allsburg,
Caputo,	Hindman,	Perry,	Van Sickle,
		Peters,	Walker,

Carr,	Hirsch,	Pfaff,	Wall,
Carson,	Hoffner,	Phillips,	Wasserman,
Castor,	Holstrom,	Piole,	Weidemann,
Chervenak,	Hoopes,	Powers,	Weiss,
Coakley,	Horst,	Reising,	Welliver,
Cochran,	Jones,	Reynolds,	Welsh,
Cohen,	Kane,	Rhys,	Westrick,
Coleman,	Kelder,	Rinn,	White,
Condon,	Kelso,	Roan,	Wickersham,
Conner,	Kilroy,	Robinson,	Wilson,
Coolahan,	Kinney,	Ruffennach,	Winner,
Cordier,	Klingler,	Ruth,	Witkin,
Decker,	Kobelak,	Sarraf,	Wood,
Denning,	LaRue,	Scanlon,	Woodside,
Dent,	Linderman,	Schrock,	Yeakel,
Diehl,	Long,	Schrope,	Yourishin,
Dilley,	Longaker,	Schwab,	Zappala,
Downey, G. E.,	Lovett,	Schwartz,	Zimmerman,
Downey, J. J.,	Lynch,	Shaw,	Sarig,
Duffort,	Male,	Shepard,	
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1475, entitled:

An Act to amend section one hundred and fifty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the commissions of the county treasurer in certain counties for receiving and paying over malt liquor license moneys

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1886, entitled:

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eroe,	Mallen,	Shortz,
Alexander,	Falkenstein,	Mason,	Shreiner,
Allen,	Ferko,	McCreary,	Shugarts,
Altenburg,	Finnerty,	McDermott,	Siegel,
Andrews,	Fitch,	McDevitt,	Simon,
Arnold,	Flanagan,	McElroy,	Simpson,
Atkins,	Flinchbaugh,	McHenry,	Sinwell,
Aukerman,	Flynn,	McKinney,	Sloan,
Baine,	Forrest,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Furman,	Mentzer,	Smith, W. G.,
Baker, J J.,	Gates,	Merrell,	Snyder, F. E.,
Baldi,	Gerard,	Moomaw,	Snyder, J. L.,
Barber,	Gillette,	Mooney,	Sowers,
Barnhardt,	Green,	Moore,	Spangler,
Bernhard,	Greenstein,	Moran,	Sproul,
Blumberg,	Habbyshaw,	Moul,	Stank,
Boyd, R.,	Haberlen,	Muir,	Stevens,
Boyer,	Hagerty,	Murrin,	Stewart,
Bradley,	Haluska,	Nagel,	Stone,
Brancato,	Hamilton, F. P.,	Nothnagle,	Stott,
Brennan,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brown, H. S.,	Harkins,	Ominsky,	Surface,
Brown, J. E.,	Harmuth,	O'Neill,	Tahl,
Brownfield,	Hart,	Panton,	Terry,
Brumbaugh,	Hartman,	Parks,	Tronzo,
Burke,	Hefferon,	Patterson, C.,	Trout,
Cannon,	Hermansen,	Patterson, J. W.,	Tumelty,
Caputo,	Hetrick,	Pearson,	Van Allsburg,
Carr,	Hindman,	Perry,	Van Sickle,
Carson,	Hirsch,	Peters,	Walker,
Castor,	Hoffner,	Pfaff,	Wall,
Chervenak,	Holstrom,	Piole,	Wasserman,
Coakley,	Hoopes,	Powers,	Weiss,
Cochran,	Horst,	Reising,	Welliver,
Cohen,	Jones,	Reynolds,	Welsh,
Coleman,	Kane,	Rhys,	Westrick,
Condon,	Kelder,	Rinn,	White,
Conner,	Kelso,	Roan,	Wickersham,
Coolahan,	Kilroy,	Robinson,	Wilson,
Cordier,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,

Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Scanlon,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Longaker,	Schwartz,	Zappala,
Downey, J. J.,	Lovett,	Shaw,	Zimmerman,
Duffort,	Lynch,	Shepard,	Sarig,
Eberharter,	Male,		

NAYS—3

Schrock,	Turner,	Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2222, entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mallen,	Shepard,
Alexander,	Falkenstein,	Mason,	Shortz,
Allen,	Ferko,	McCreary,	Shreiner,
Altenburg,	Finnerty,	McDermott,	Shugarts,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stone,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Van Allsburg,
Carr,	Hirsch,	Peters,	Van Sickle,
Carson,	Hoffner,	Pfaff,	Walker,
Castor,	Holstrom,	Phillips,	Wall,
Chervenak,	Hoopes,	Piole,	Wasserman,
Coakley,	Horst,	Powers,	Weiss,
Cochran,	Jones,	Reising,	Welliver,
Cohen,	Kane,	Reynolds,	Welsh,
Coleman,	Kelder,	Rhys,	Westrick,
Condon,	Kelso,	Rinn,	White,
Conner,	Kilroy,	Roan,	Wickersham,
Coolahan,	Kinney,	Robinson,	Wilson,
Cordier,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,			

NAYS—1

Weidemann.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2064, entitled:

An Act authorizing the utilization of the School of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eberharter,	Mallen,	Shreiner,
Alexander,	Eroe,	Mason,	Shugarts,
Allen,	Falkenstein,	McCreary,	Siegel,
Altenburg,	Ferko,	McDermott,	Simon,
Andrews,	Finnerty,	McDevitt,	Simpson,
Arnold,	Fitch,	McElroy,	Sinwell,
Atkins,	Flanagan,	McHenry,	Sloan,
Aukerman,	Flinchbaugh,	McKinney,	Smith, J. A.,
Baine,	Flynn,	Melchiorre,	Smith, W. G.,
Baker, F. T.,	Forrest,	Mentzer,	Snyder, F. E.,
Baker, J. J.,	Furman,	Merrell,	Snyder, J. L.,
Baldi,	Gates,	Moomaw,	Sowers,
Barber,	Gerard,	Mooney,	Spangler,
Barnhardt,	Gillette,	Moore,	Sproul,
Bernhard,	Green,	Moran,	Stank,
Blumberg,	Greenstein,	Moul,	Stevens,
Boose,	Habbyshaw,	Muir,	Stewart,
Boyd, R.,	Haberlen,	Murrin,	Stone,
Boyer,	Hagerty,	Nothnagle,	Stott,
Bradley,	Haluska,	O'Keefe,	Sumney,
Brancato,	Hamilton, F. P.,	Ominsky,	Surface,
Brennan,	Hamilton, R. S.,	O'Neill,	Tahl,
Brown, H. S.,	Harkins,	Panton,	Terry,
Brown, J. E.,	Harmuth,	Parks,	Tronzo,
Brownfield,	Hart,	Patterson, C.,	Trout,
Brumbaugh,	Hartman,	Patterson, J. W.,	Tumelty,
Burke,	Hefferon,	Pearson,	Turner,
Cannon,	Hermansen,	Perry,	Van Allsburg,
Caputo,	Hetrick,	Peters,	Van Sickle,
Carr,	Hindman,	Pfaff,	Walker,
Carson,	Hirsch,	Phillips,	Wall,
Castor,	Hoffner,	Piole,	Wasserman,
Chervenak,	Holstrom,	Powers,	Weidemann,
Coakley,	Horst,	Reynolds,	Weiss,
Cochran,	Jones,	Rhys,	Welliver,
Cohen,	Kane,	Rinn,	Welsh,
Coleman,	Kelder,	Roan,	Westrick,
Condon,	Kelso,	Robinson,	White,
Conner,	Kilroy,	Ruffennach	Wickersham,
Coolahan,	Kinney,	Ruth,	Winner,
Cordier,	Klingler,	Sarraf,	Witkin,
Decker,	Kobelak,	Scanlon,	Wood,
Denning,	LaRue,	Schrock,	Woodside,
Dent,	Linderman,	Schrope,	Yeakel,
Diehl,	Long,	Schwab,	Yourishin,
Dilley,	Longaker,	Schwartz,	Zappala,
Downey, G. E.,	Lovett,	Shaw,	Zimmerman
Downey, J. J.,	Lynch,	Shepard,	Sarig,
Duffort,	Male,	Shortz,	

NAYS—4

Hoopes,	Nagel,	Reising,	Wilson,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2066, entitled:

An Act to further amend section six of the act approved the third day of June, one thousand nine hundred nineteen (P. L. 366), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime, and the apprehension of criminals; providing for the equipment, maintenance, and transportation of such police; providing for barracks and substations therefor; and prescribing penalties," by increasing and revising the personnel of the State Police Force.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Patterson, C.,	Terry,
Brown, J. E.,	Hart,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hartman,	Pearson,	Trout,
Burke,	Hefferon,	Perry,	Tumelty,
Cannon,	Hermansen,	Peters,	Turner,
Caputo,	Hetrick,	Pfaff,	Van Allsburg,
Carr,	Hindman,	Phillips,	Van Sickle,
Carson,	Hirsch,	Piole,	Walker,
Castor,	Hoffner,	Powers,	Wall,
Chervenak,	Holstrom,	Reising,	Wasserman,
Coakley,	Horst,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Rinn,	Welliver,
Coleman,	Kelder,	Roan,	Welsh,
Condon,	Kelso,	Robinson,	Westrick,
Conner,	Kilroy,	Ruffennach,	White,
Coolahan,	Kinney,	Ruth,	Wickersham,
Cordier,	Klingler,	Sarraf,	Winner,
Decker,	Kobelak,	Scanlon,	Witkin,
Denning,	LaRue,	Schrock,	Wood,
Dent,	Linderman,	Schrope,	Woodside,
Diehl,	Long,	Schwab,	Yeakel,
Dilley,	Longaker,	Schwartz,	Yourishin,
Downey, G. E.,	Lovett,	Shaw,	Zappala,
Downey, J. J.,	Lynch,	Shepard,	Zimmerman,
Duffort,	Male,	Shortz,	Sarig.
Eberharter,	Mallen,		

NAYS—2

Hoopes,	Wilson,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2293, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with the United States on such land for the services of legal process thereupon

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Geraid,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1988, entitled:

An Act authorizing the county commissioners of counties of the third class to appropriate funds of the county and to furnish space in any county building for the maintenance and support of any legal aid agency approved by the court of common pleas of such county

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mallen,	Shortz,
Alexander,	Falkenstein,	Mason,	Shreiner,
Allen,	Ferko,	McCreary,	Shugarts,
Altenburg,	Finnerty,	McDermott,	Siegel,
Andrews,	Fitch,	McDevitt,	Simon,
Arnold,	Flanagan,	McElroy,	Simpson,
Atkins,	Flinchbaugh,	McHenry,	Sinwell,
Aukerman,	Flynn,	McKinney,	Sloan,
Baine,	Forrest,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Furman,	Mentzer,	Smith, W. G.,
Baker, J. J.,	Gates,	Merrell,	Snyder, F. E.,
Baldi,	Gerard,	Moomaw,	Snyder, J. L.,
Barber,	Gillette,	Mooney,	Spangler,
Barnhardt,	Green,	Moore,	Sproul,
Bernhard,	Greenstein,	Moran,	Stank,
Blumberg,	Habbyshaw,	Moul,	Stevens,
Boose,	Haberlen,	Muir,	Stewart,
Boyd, R.,	Hagerty,	Murrin,	Stone,
Boyer,	Haluska,	Nagel,	Stott,
Bradley,	Hamilton, F. P.,	Nothnagle,	Sumney,
Brancato,	Hamilton, R. S.,	O'Keefe,	Surface,
Brennan,	Harkins,	Ominsky,	Tahl,
Brown, H. S.,	Harmuth,	O'Neill,	Terry,
Brown, J. E.,	Hart,	Panton,	Tronzo,
Brownfield,	Hartman,	Parks,	Trout,
Brumbaugh,	Hefferon,	Patterson, C.,	Tumelty,
Burke,	Hermansen,	Patterson, J. W.,	Turner,
Cannon,	Hetrick,	Pearson,	Van Allsburg,
Caputo,	Hindman,	Perry,	Van Sickle,
Carr,	Hirsch,	Peters,	Walker,
Carson,	Hoffner,	Pfaff,	Wall,
Castor,	Holstrom,	Phillips,	Wasserman,
Chervenak,	Hoopes,	Piole,	Weidemann,
Coakley,	Horst,	Powers,	Weiss,
Cochran,	Jones,	Reising,	Welliver,
Cohen,	Kane,	Reynolds,	Welsh,
Coleman,	Kelder,	Rhys,	Westrick,
Condon,	Kelso,	Rinn,	White,
Conner,	Kilroy,	Roan,	Wickersham,
Coolahan,	Kinney,	Robinson,	Wilson,
Cordier,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,		Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2205, as follows:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twelve of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred fifty-two) are hereby further amended to read as follows

Section 2101 Each county superintendent [is hereby authorized to] shall call the teachers of the public schools under his jurisdiction to assemble for two days or their equivalent each year at such [times] time and [places] place as he may deem most convenient for the purpose of receiving instruction in the science and art of teaching each superintendent may also invite members of the teaching and supervisory staffs of the other districts and of institutions of learning within the county to attend such meeting or meetings

Section 2102 Each county superintendent [who shall call a meeting of the teachers under his jurisdiction] shall exercise general management over such assembly shall secure the necessary speakers and shall incur the necessary expenses [such expenses for all such meetings in any one school year shall not exceed the amount of two hundred dollars ($200.00)]

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,

Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2242, entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Sproul,
Barnhardt,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2512, as follows:

An Act staying legal proceedings against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statue of Limitations and inconsistent Acts of Assembly

WHEREAS depressed financial conditions have given rise to an economic emergency which is now pending by reason of which it is difficult and in many cases impossible to collect moneys due on mortgages on real estate without causing very serious loss and distress to home owners and other mortgagors and

WHEREAS the General Assembly by Act approved March twenty-seven one thousand nine hundred and thirty-five has extended the provisions of the Act of May eighteen one thousand nine hundred and thirty-three Pamphlet Laws eight hundred twenty-six authorizing the Courts of Common Pleas for a period of two years March thirty-one one thousand nine hundred and thirty-five to prevent the collection of mortgages by stay of execution on judgments entered thereon so that the holders of mortgages while said Act is in force are not able to realize thereon in cash

NOW THEREFORE BE IT ENACTED by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 In all cases where any bank bank and trust company or trust company engaged in a fiduciary business has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust funds or other funds deposited or placed with it for investment and such trust funds have been in good faith invested by such bank bank and trust company or trust company in mortgages on real estate participations in mortgages or in pools or funds of mortgages on real estate no suit or other proceeding at law in equity or otherwise including proceedings on exceptions filed to accounts of fiduciaries shall be brought nor shall further proceedings be held on any such suit or proceedings now pending or on any judgment or decree heretofor entered until after two (2) years from the date of this act by any trust trust estate or beneficiary interested in such trust estate to recover in cash either the amount or value of such funds so invested

Section 2 Any court in this Commonwealth in which such suit or proceeding is now pending or may be here-

after brought shall have full power and authority to grant proper stays of proceedings in accordance with the provisions of this Act including stays of execution where any such suit or proceeding has been reduced to judgment

Section 3 This Act shall not affect the right of any trust estate or beneficiary to take or accept the trust investments or securities in kind on the termination of any trust

Section 4 The running of the Statute of Limitations against any claim stayed under the provisions of this Act and also all Acts or parts of Acts of Assembly inconsistent herewith are hereby suspended while this Act is in force

Section 5 This Act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOOPES. Mr. Speaker and members of the House, if I read this bill correctly, it is for the purpose of relieving banks. As I understand, it provides that under its terms, if adopted, a minor who comes of age, who has trust funds of which the bank is the trustee and has agreed to pay the money in cash upon the minor's coming of age, and they have the money in fact invested in a mortgage, that under this bill they don't have to pay it over, and you cannot bring a suit against them for two years.

I know there are many cases at the present time where the banks are closed and where the beneficiaries of the trusts are unable to collect anything, but if this passes you will not be able to get it out of the bank at all if they happen to have the money invested in mortgages. I do not believe that this House is prepared to go quite that far. I think that beneficiaries of a will under a trust, where they have agreed to pay it over in cash at the termination of the trust, should be entitled to get what they have been promised, and I see no reason why this House should go as far as this bill goes to relieve the banks. I think it is high time that we tried to protect somebody else. I ask that you vote "no" upon this bill.

Mr. TURNER. Mr. Speaker, I thought that perhaps the sponsor of this bill would defend his own bill. Due to the fact that he didn't, I felt that I could not let it pass without saying something on behalf of the bill. I realize that there is a danger when you are dealing with trust estates, in making any provision to relieve the trustee from his liability to do certain things, but under present conditions where the real estate market is frozen and where it is extremely difficult to liquidate mortgages, it does seem unfair that while we have given a moratorium to the mortgagee by which he can escape payment for a certain time, and by which he can be protected, and where the money is invested in real estate, when ordinarily they would be required to pay in cash at the termination of the trust, that he, under present conditions, refuses to take the mortgage which the bank holds and into which it has invested the money that if this beneficiary demands his money, it becomes extremely difficult for the bank to comply. They must either find some way of selling that mortgage or they must foreclose the mortgage if it is possible for them to do so in order that they may secure the funds.

It is placing many of our banks in a very difficult position. The beneficiary could not profit any more, he must take the mortgage or the proceeds of the mortgage, and if the mortgage is no good he loses unless the trustee has been guilty of negligence or fraud in the use of the funds, and where the beneficiary of the trust refuses to give them time in which they may liquidate the mortgage.

It will be beneficial to our banks and I think it will be beneficial to the depositors in many of our banks, and I do not believe that the beneficiary in many instances would be harmed by a provision of this kind.

Mr. GATES. Mr. Speaker and members of the House, I rise to defend this bill. Bill No. 233 was passed by this House, and rightfully so. The bill was sponsored by Mr. Wasserman. It postponed foreclosures of mortgages for a period of two years. This bill does nothing more than give the mortgagee the same right that we gave in this House to the mortgagor, and I would ask that this House vote "aye" on this bill. It was in the Banking Committee, it was studied by the Banking Committee, it was referred to a sub-committee of the Banking Committee and was reported out to this House.

I submitted this for the approval of the Banking Department of the state of Pennsylvania, and it meets with their approval. It also has the approval of the Bankers' Association of the state of Pennsylvania. We are asking nothing more in this bill than you gave to the mortgagor on March twenty-seventh nineteen hundred and thirty-five, and I would ask that this House vote unanimously for this bill.

Mr. HOOPES. Mr. Speaker, I submit that this bill is giving a lot more to the banks than you gave to the mortgagors in the bill to which the gentleman has referred. The mortgagor has at least to petition the court to set forth the conditions which make it impossible for him to pay the interest in order to get a stay. This bill does not even protect the beneficiaries in cases where the banks are collecting the full amount of the interest on the mortgages.

There is no provision to separate those cases where they are getting interest and where they are not.

Under this bill if a trust is terminated if a minor came of age, or in any other manner where the bank has the money, has agreed to pay it over in cash but has invested it in their own discretion entirely, and it happens to be invested in a mortgage, no matter how good it is, all that is necessary is for the bank to say "We cannot pay it over." And they keep it. It is one of the broadest measures of the type that I have ever seen, and I feel that it is a piece of very vicious legislation.

I have had a number of cases in the last few years where beneficiaries were entitled to receive trust money.

I know that the courts in cases where the money has been properly invested and where there has not been definite guarantee on the part of the trustees to pay it over in cash, will not require banks to pay it over in cash. They require the beneficiary to accept the investment in kind, but that is not so in cases where the banks have specifically agreed to pay it over in cash. I agree there will be hardships in certain cases, but the hardships if you pass this bill will be much worse.

The question is whether you want to relieve the little beneficiary who may have a few hundred dollars coming to him in the trust or whether you want to relieve the big banks. That is the question.

I have had a number of instances where the facts were that the beneficiary was unemployed and needed the money far worse than the bank in order to keep their families and they go to the relief, and the relief tells them "No, you can't get this money. You can't get relief." Then they go to the bank and the bank says "No, you can't get it from us either."

If you put this bill over it is going to work untold hardship on many thousands throughout this Commonwealth, and just because it is going to work hardship on the bank, I submit that we don't want to pass it. Banks are in better shape to take care of themselves by either refinancing the mortgage or selling it or transferring it in some way. They are in better position to take care of themselves than the little fellow who has two hundred or three hundred dollars, and who has it tied up until the bank is good and ready to pay it over.

Mr. GATES. Mr. Speaker and members of the House, if you refer to the bill No. 2512, that is before you for discussion, you will find section three, and that at the termination of the trust it can be taken in kind, if so desired. And there is nothing in this bill that can work hardship on any one, but it is only a bill to give the banks the same right as I said before that was given to the mortgagor, and it has a right to take a mortgage in kind or the stocks or bonds in kind, or the investment in kind if they so desire and the interest and the taxes are paid in full. But in case the taxes are not paid the beneficiary in all probability would not take in kind, and it would work a great hardship to the banks throughout the entire state of Pennsylvania, and this is only intended to be of relief for two years.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—70

Alexander,	Duffort,	Merrell,	Simpson,
Altenburg,	Eberharter,	Muir,	Smith, W. G.,
Andrews,	Flinchbaugh,	Murrin,	Snyder, F. E.,
Atkins,	Furman,	O'Keefe,	Spangler,
Aukerman,	Gates,	Patterson, C.,	Stewart,
Baker, F. T.,	Gillette,	Patterson, J. W.,	Sumney,
Boose,	Green,	Pearson,	Surface,
Boyer,	Haberlen,	Peters,	Terry,
Brennan,	Hamilton, F. P.,	Piole,	Turner,
Brown, H. S.,	Harkins,	Powers,	Van Sickle,
Carson,	Hartman,	Reynolds,	Wall,
Coakley,	Hetrick,	Rinn,	Weidemann,
Condon,	Hindman,	Robinson,	Weiss,
Conner,	Kinney,	Schrock,	Winner,
Coolahan,	Longaker,	Shaw,	Woodside,
Denning,	Male,	Shreiner,	Yeakel,
Dent,	McDevitt,	Simon,	Yourishin,
Downey, G. E.,	Mentzer,		

NAYS—71

Allen,	Eroe,	Mason,	Sarraf,
Baine,	Falkenstein,	McCreary,	Schwab,
Baker, J. J.,	Ferko,	McDermott,	Shepard,
Blumberg,	Finnerty,	McElroy,	Siegel,
Boyd, R.,	Flanagan,	Melchiorre,	Snyder, J. L.,
Bradley,	Greenstein,	Moomaw,	Sowers,
Brown, J. E.,	Hagerty,	Mooney,	Stank,
Brownfield,	Hamilton, R. S.,	Moore,	Stott,
Brumbaugh,	Hirsch,	Moran,	Tumelty,
Cannon,	Hoffner,	Ominsky,	Walker,
Caputo,	Holstrom,	O'Neill,	Welliver,
Carr,	Hoopes,	Panton,	Welsh,
Chervenak,	Kelso,	Perry,	Westrick,
Cochran,	Kilroy,	Pfaff,	Wilson,
Coleman,	Klingler,	Reising,	Wood,
Cordier,	LaRue,	Ruffennach,	Zappala,
Decker,	Long,	Ruth,	Sarig,
Diehl,	Lovett,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON THIRD READING

Mr. BLUMBERG. Mr. Speaker, I desire to call up at this time House Bill No. 1772, Printer's No. 768, on page 20, of today's calendar, bill on third reading, which was passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1772, as follows:

An Act to amend sections ten twelve fifteen and eighteen of and to add section thirteen to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting martial relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" prescribing additional grounds for divorce and providing for the annulment of additional void marriages requiring the court to appoint a committee for insane respondents and providing that children born after a supposed marriage shall be deemed to be born in wedlock even though the marriage is annulled

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve fifteen and eighteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting martial relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 10 Grounds for Divorce from Bond of Matrimony

1 When a marriage has been heretofore or shall hereafter be contracted and celebrated between two persons it shall be lawful for the innocent and injured spouse to obtain a divorce from the bond of matrimony whenever it shall be judged in the manner hereinafter provided that the other spouse

(a) At the time of the contract was and still is naturally and incurably impotent or incapable of procreation or

(b) Has knowingly entered into a second marriage in violation of the previous vows he or she made to the former spouse whose marriage is still subsisting or

(c) Shall have committee adultery or

(d) Shall have committed wilful and malicious desertion and absence from the habitation of the injured and innocent spouse without a reasonable cause for and during the term and space of two years or

(e) Shall have by cruel and barbarous treatment endangered the life of the injured and innocent spouse or

(f) Shall have offered such indignities to the person of the injured and innocent spouse as to render his or her condition intolerable and life burdensome or

(g) Shall have procured the marriage by fraud force or coercion and which has not been subsequently confirmed by the acts of the injured and innocent spouse or

(h) Shall have been convicted as principal or as accessory either before or after the facts within or without this Commonwealth of the crime of arson burglary embezzlement forgery kidnapping larceny murder either in the first or second degree assault with intent to kill voluntary manslaughter perjury rape robbery sodomy buggery treason or misprision of treason and be sentenced to imprisonment for any term of two years or more by a competent court having jurisdiction or

(i) Is hopelessly and incurably insane

2 When a marriage has been heretofore or shall hereafter be contracted and celebrated between two persons within the prohibited degrees of consanguinity or affinity according to the tables established by law it shall be lawful for either of said parties to obtain a divorce from

the bond of matrimony in the manner hereinafter provided or

3 If any spouse upon any false rumor in appearance well founded of the death of the other when such other has been absent for the space of two whole years hath married or shall marry again the party who has not married may at his or her return have his or her own marriage dissolved by divorce on the ground of bigamy leaving the other party to remain with the second husband or wife Any such action shall be instituted within six months after such return

Section 12 Annulment of [Bigamous] Void Marriages In all cases where a supposed or alleged marriage shall have been contracted which is absolutely void by reason of one of the parties thereto having a spouse living at the time or by reason of one of the parties thereto having been insane at the time such [the] supposed or alleged marriage may upon the application of either party be declared null and void in accord with the principles and forms hereinafter prescribed for cases of divorce from the bonds of matrimony Provided however That in any case where a person was insane at the time of the marrige and is later cured or recovers from such insanity the spouce of such person shall not thereafter be entitled to a divorce or an annullment of the marriage by reason of such insanity

Section 15 Jurisdiction The several courts of common pleas of this Commonwealth shall have original jurisdiction of cases of divorce from the bonds of matrimony from bed and board and in the annulment of marriages under the provisions of this act The said courts shall have power to grant divorces and to annul marriages notwith standing the fact that the marriage of the parties and the cause for divorce occurred outside of this Commonwealth and that both parties were at the time of the occurrence of said cause domiciled without this Commonwealth and that the respondent has been served with the subpoena only by publication as provided by this act

All petitions or libels for divorce shall be exhibited to the court of the county where the libellant resides except where the husband and wife shall be resident in different counties of this Commonwealth and while so resident a cause of divorce shall arise in which cases the libellant may at his or her option institute and prosecute proceedings either in the county of his or her own residence or in the county wherein the respondent shall be resident and the cause for divorce shall have arisen

Petitions or libels for the annulment of [bigamous] void marriages may be exhibited to the court of common pleas of the county where the marriage was contracted or in the county where either the libellant or respondent resides and in such cases residence of the libellant within the county or State for any period shall not be required

Section 18 Jurisdiction Where Respondent a Lunatic In cases where a spouce is a hopeless lunatic or non compos mentis or is hopelessly and incurably insane the courts of common pleas shall have jurisdiction to receive a petition or libel for divorce in which such lunatic or person non compos mentis or insane is made the respondent but only for a ground provided for in section ten of this act In such cases the said court shall appoint a committee for such person if there is none previously appointed and acting for such person at that time

Section 2 Said act is hereby amended by adding thereto section thirteen to read as follows

Section 13 In any case where children have been born after marriage or after a supposed or alleged marriage even though such supposed marriage is absolutely void under the provisions of this act such children shall be deemed to be children born in wedlock and shall have the same rights and privileges as they would have if the supposed or alleged marriage of their parents was not void by reason of the provisions of this act

On the question,

Will the House agree to the bill on third reading?

Mr. BLUMBERG. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section B, page 6, line 7 by striking out the ords "and shall have the same"

Amend Section B, page 6, lines 8 to 10 by striking out ll of the said lines.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over the printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1826, entitled:

An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing disease to honeybees

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman, Mr. Van Sickle, two questions. The first is what is the purpose of this bill? Why the interest in these money bees; and the second like unto it, why does he think they ought to have their honey in Philadelphia? Why Philadelphia honeybees?

Mr. VanSICKLE. Mr. Speaker, I realize that the members from Philadelphia have their honey both in Harrisburg and in Philadelphia.

Mr. SHEPARD. Mr. Speaker, I hope the gentleman will be careful, because I am afraid my wife might be around.

The SPEAKER. The gentleman from Northampton will please be careful today, especially.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Gillette,	Moore,	Sowers,
Barnhardt,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Mout,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,

Boose,	Haberlen,	Murrin,	Stevens,
Boyd, R.,	Hagerty,	Nagel,	Stewart,
Boyer,	Haluska,	Nothnagle,	Stone,
Bradley,	Hamilton, F. P.,	O'Keefe,	Stott,
Brancato,	Hamilton, R. S.,	Ominsky,	Sumney,
Brennan,	Harkins,	O'Neill,	Surface,
Brown, H. S.,	Harmuth,	Panton,	Tahl,
Brown, J. E.,	Hart,	Panton,	Terry,
Brownfield,	Hartman,	Parks,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, C.,	Trout,
Burke,	Hermansen,	Patterson, J. W.,	Tumelty,
Cannon,	Hetrick,	Pearson,	Turner,
Caputo,	Hindman,	Perry,	VanAllsburg,
Carr,	Hirsch,	Peters,	VanSickle,
Carson,	Hoffner,	Pfaff,	Walker,
Castor,	Holstrom,	Phillips,	Wall,
Chervenak,	Hoopes,	Piole,	Wasserman,
Coakley,	Horst,	Powers,	Weidemann,
Cochran,	Jones,	Reising,	Weiss,
Cohen,	Kane,	Reynolds,	Welliver,
Coleman,	Kelder,	Rhys,	Welsh,
Condon,	Kelso,	Rinn,	Westrick,
Conner,	Kilroy,	Roan,	White,
Coolahan,	Kinney,	Robinson,	Wickersham,
Cordier,	Klinger,	Ruffennach,	Wilson,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zappala,
Duffort,	Male,	Shaw,	Zimmerman,
Eberharter,	Mallen,	Shepard,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. SIMON. Mr. Speaker, I desire to call up at this time House Bill No. 2130, Printer's No. 678, on page 37 of today's calendar, bills on third reading.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SIMON.

The House resumed the consideration on third reading of House Bill No. 2130, entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended to authorize and empower boroughs to construct or acquire water-works and the appurtenances thereof and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof secured solely by liens thereon and imposing no municipal liability providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof and the nature and extent of such lien providing for the payment of such bonds and the rights of the holders thereof and repealing acts and parts of acts in conflict therewith.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsh,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1605, entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. CARSON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 926, as follows:

An Act to amend section five hundred and eighteen of the act aproved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 518 Appeal to Court from Assessments Collection Pending Appeal [Payment Into Court] Any owner of real estate or taxable property in this Commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property may appeal from the decision of the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to the court of common pleas of the county within which such property is situated and for that purpose may present to said court or file in the prothonotary's office within sixty days after the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be have held the appeals provided for by this or any other act of Assembly and acted on the said assessments and valuations a petition signed by him his agent or attorney setting forth the facts of the case and thereupon the court shall proceed at the earliest convenient time to be by them appointed of which notice shall be given to the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to hear the said appeal and the proofs in the case and to make such orders and decrees touching the matter complained of as to the judges of said court may see just and equitable having due regard to the valuation and assessment made of other real estate in such county or city the costs of the appeal and hearing to be apportioned or paid as the court may direct Provided however That the appeal shall not prevent the collection of the taxes complained of but in case the same shall be reduced then the excess shall be returned to the person or persons who shall have paid the same [And provided further That the appellant may pay the amount of the tax alleged to be due by reason of the assessment appealed from into the court to which such appeal is taken whereupon said court shall allocate and pay over to the proper authorities such amount of said tax as shall appear to said court to be reasonably free from dispute and the remainder of the amount paid in shall be held by the court pending the final disposition of the appeal]

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, J. J.,	Furman,	Merrell,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Picle,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Zarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1221, entitled:

An Act to amend a part of section one of the act approved the twelfth day of May, one thousand nine hundred and eleven (P. L. 301), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth, in counties having a population of over two hundred thousand and under one million, and to provide the time of paying the same," as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over, by reducing the fee charged for filing municipal and tax liens.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mallen,	Shreiner,
Alexander,	Falkenstein,	Mason,	Shugarts,
Allen,	Ferko,	McCreary,	Siegel,
Altenburg,	Finnerty,	McDermott,	Simon,
Andrews,	Fitch,	McDevitt,	Simpson,
Arnold,	Flanagan,	McElroy,	Sinwell,
Atkins,	Flinchbaugh,	McHenry,	Sloan,
Aukerman,	Flynn,	McKinney,	Smith, J. A.,
Baine,	Forrest,	Melchiorre,	Smith, W. G.,
Baker, F. T.,	Furman,	Mentzer,	Snyder, F. E.,
Baker, J J.,	Gates,	Merrell,	Snyder, J. L.,
Baldi,	Gerard,	Moomaw,	Sowers,
Barber,	Gillette,	Mooney,	Spangler,
Barnhardt,	Green,	Moore,	Sproul,
Bernhard,	Greenstein,	Moran,	Stank,
Blumberg,	Habbyshaw,	Moul,	Stevens,
Boose,	Haberlen,	Muir,	Stewart,
Boyd, R.,	Hagerty,	Murrin,	Stone,
Boyer,	Haluska,	Nagel,	Stott,
Bradley,	Hamilton, F. P.,	Nothnagle,	Sumney,
Brancato,	Hamilton, R. S.,	O'Keefe,	Surface,
Brennan,	Harkins,	Ominsky,	Tahl,
Brown, H. S.,	Harmuth,	O'Neill,	Terry,
Brown, J. E.,	Hart,	Panton,	Tronzo,
Brownfield,	Hartman,	Parks,	Trout,
Brumbaugh,	Hefferon,	Patterson, C.,	Tumelty,
Burke,	Hermansen,	Patterson, J. W.,	Turner,
Cannon,	Hetrick,	Pearson,	Van Allsburg,
Caputo,	Hindman,	Perry,	Van Sickle,
Carr,	Hirsch,	Peters,	Walker,
Carson,	Hoffner,	Pfaff,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Coleman,	Kane,	Rhys,	Welsh,
Condon,	Kelder,	Rinn,	Westrick,
Conner,	Kelso,	Roan,	White,
Coolahan,	Kilroy,	Robinson,	Wickersham,
Cordier,	Kinney,	Ruffennach,	Wilson,
Decker,	Klinger,	Ruth,	Winner,
Denning,	Kobelak,	Sarraf,	Witkin,
Dent,	LaRue,	Scanlon,	Wood,
Diehl,	Linderman,	Schrock,	Woodside,
Dilley,	Long,	Schrope,	Yeakel,
Downey, G. E.,	Longaker,	Schwab,	Yourishin,
Downey, J. J.,	Lovett,	Shaw,	Zappala,
Duffort,	Lynch,	Shepard,	Zimmerman,
Eberharter,	Male,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1942, entitled:

An Act to amend article three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by prohibiting letting of contracts for printing to printing establishments in which a county officer or employe is interested; and prescribing a penalty.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	Mason,	Shreiner,
Alexander,	Ferko,	McCreary,	Shugarts,
Allen,	Finnerty,	McDermott,	Siegel,
Altenburg,	Fitch,	McDevitt,	Simon,
Andrews,	Flanagan,	McElroy,	Simpson,
Arnold,	Flinchbaugh,	McHenry,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Gillette,	Moore,	Sowers,
Barnhardt,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Moul,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,
Boose,	Haberlen,	Murrin,	Stevens,
Boyd, R.,	Hagerty,	Nagel,	Stewart,
Boyer,	Haluska,	Nothnagle,	Stone,
Bradley,	Hamilton, F. P.,	O'Keefe,	Stott,
Brancato,	Hamilton, R. S.,	Ominsky,	Sumney,
Brennan,	Harkins,	O'Neill,	Surface,
Brown, H. S.,	Harmuth,	Panton,	Tahl,
Brown, J. E.,	Hart,	Parks,	Terry,
Brownfield,	Hartman,	Patterson, C.,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Trout,
Burke,	Hermansen,	Pearson,	Tumelty,
Cannon,	Hetrick,	Perry,	Turner,
Caputo,	Hindman,	Peters,	Van Allsburg,
Carr,	Hirsch,	Pfaff,	Van Sickle,
Carson,	Hoffner,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Robinson,	White,
Cordier,	Kinney,	Ruffennach,	Wickersham,
Decker,	Klingler,	Ruth,	Wilson,
Denning,	Kobelak,	Sarraf,	Winner,
Dent,	LaRue,	Scanlon,	Witkin,
Diehl,	Linderman,	Schrock,	Wood,
Dilley,	Long,	Schrope,	Woodside,
Downey, G. E.,	Longaker,	Schwab,	Yeakel,
Downey, J. J.,	Lovett,	Schwartz,	Yourishin,
Duffort,	Lynch,	Shaw,	Zappala,
Eberharter,	Male,	Shepard,	Zimmerman,
Eroe,	Mallen,	Shortz,	Sarig,

NAYS—1

McKinney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2194, entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the

violation thereof providing revenue to establlish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" making it unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ.

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Berks whether this bill would prohibit the reductions in salaries which were effected during the last couple of years, providing the teachers accepted the reduction by giving a donation to the school directly.

Mr. RUTH. Mr. Speaker, this bill carries out the idea in the present law, which will expire at the end of this biennium, which will prevent school directors from selling their dogs to the school teachers.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Falkenstein,	Mason,	Shreiner,
Alexander,	Ferko,	McCreary,	Shugarts,
Allen,	Finnerty,	McDermott,	Simon,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simpson,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sloan,
Baine,	Forrest,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Furman,	Mentzer,	Smith, W. G.,
Baker, J J.,	Gates,	Merrell,	Snyder, F. E.,
Baldi,	Gerard,	Moomaw,	Snyder, J. L.,
Barber,	Gillette,	Mooney,	Sowers,
Barnhardt,	Green,	Moore,	Spangler,
Bernhard,	Greenstein,	Moran,	Sproul,
Blumberg,	Habbyshaw,	Moul,	Stank,
Boose,	Haberlen,	Muir,	Stevens,
Boyd, R.,	Hagerty,	Murrin,	Stewart,
Boyer,	Haluska,	Nagel,	Stone,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stott,
Brancato,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brennan,	Harkins,	Ominsky,	Surface,
Brown, H. S.,	Harmuth,	O'Neill,	Tahl,
Brown, J. E.,	Hart,	Panton,	Terry,
Brownfield,	Hartman,	Parks,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, C.,	Trout,
Burke,	Hermansen,	Patterson, J. W.,	Tumelty,
Cannon,	Hetrick,	Pearson,	Turner,
Caputo,	Hindman,	Perry,	Van Allsburg,
Carr,	Hirsch,	Peters,	Van Sickle,
Carson,	Hoffner,	Pfaff,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Cordier,	Klinger,	Ruth,	Wilson,
Decker,	Kobelak,	Sarraf,	Winner,
Denning,	LaRue,	Scanlon,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schrope,	Woodside,
Dilley,	Longaker,	Schwab,	Yeakel,
Downey, G. E.,	Lovett,	Schwartz,	Yourishin,
Downey, J. J.,	Lynch,	Shaw,	Zappala,
Duffort,	Male,	Shepard,	Zimmerman,
Eberharter,	Mallen,	Shortz,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1083, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam boilers pressure vessels steam or internal combustion engines turbines and refrigerating machinery and hoisting and portable machinery irrespective of the motive power designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties.

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

BILL POSTPONED

Mr. SOWERS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 432, entitled:

An Act giving to former owners of homesteads sold at sheriffs' sale the right to lease such homesteads for a period of two years from the date of any such sale and also during said two year period the right to redeem such homestead from any such sale and providing the procedure in such cases

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—193

Alexander,	Ferko,	Mason,	Shepard,
Allen,	Finnerty,	McCreary,	Shortz,
Altenburg,	Fitch,	McDermott,	Shreiner,
Andrews,	Flanagan,	McDevitt,	Shugarts,
Atkins,	Flinchbaugh,	McElroy,	Siegel,
Aukerman,	Flynn,	McHenry,	Simon,
Baine,	Forrest,	McKinney,	Simpson,
Baker, J J.,	Furman,	Melchiorre,	Sinwell,
Baldi,	Gates,	Mentzer,	Sloan,
Barber,	Gerard,	Merrell,	Smith, J. A.,
Barnhardt,	Gillette,	Moomaw,	Smith, W. G.,
Bernhard,	Green,	Mooney,	Snyder, F. E.,
Blumberg,	Greenstein,	Moore,	Snyder, J. L.,
Boose,	Habbyshaw,	Moran,	Sowers,
Boyd, R.,	Haberlen,	Moul,	Spangler,
Boyer,	Hagerty,	Muir,	Sproul,
Bradley,	Haluska,	Murrin,	Stank,
Brancato,	Hamilton, F. P.,	Nagel,	Stevens,

Brennan,	Hamilton, R. S.,	Nothnagle,	Stewart,
Brown, H. S.,	Harkins,	O'Keefe,	Stone,
Brown, J. E.,	Harmuth,	Ominsky,	Stott,
Brownfield,	Hart,	O'Neill,	Sumney,
Brumbaugh,	Hartman,	Panton,	Surface,
Burke,	Hefferon,	Parks,	Tahl,
Cannon,	Hermansen,	Patterson, C.,	Terry,
Caputo,	Hetrick,	Patterson, J. W.,	Tronzo,
Carr,	Hindman,	Pearson,	Trout,
Carson,	Hirsch,	Perry,	VanAllsburg,
Castor,	Hoffner,	Peters,	VanSickle,
Chervenak,	Holstrom,	Pfaff,	Walker,
Coakley,	Hoopes,	Phillips,	Wall,
Cochran,	Horst,	Piole,	Wasserman,
Cohen,	Jones,	Powers,	Weidemann,
Coleman,	Kane,	Reising,	Weiss,
Condon,	Kelder,	Reynolds,	Welliver,
Conner,	Kelso,	Rhys,	Welsh,
Coolahan,	Kilroy,	Rinn,	Westrick,
Cordier,	Kinney,	Roan,	White,
Decker,	Klingler,	Robinson,	Wilson,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, J. J.,	Longaker,	Schrock,	Yourishin,
Duffort,	Lovett,	Schrope,	Zappala,
Eberharter,	Lynch,	Schwab,	Zimmerman,
Eroe,	Male,	Schwartz,	Sarig,
Falkenstein,	Mallen,	Shaw,	

NAYS—6

Achterman,	Downey, G. E.,	Wickersham,	Wood,
Baker, F. T.,	Turner,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2547, entitled:

An Act to amend section nine of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties, providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eberharter,	Male,	Shugarts,
Alexander,	Eroe,	Mallen,	Siegel,
Allen,	Falkenstein,	Mason,	Simon,
Altenburg,	Ferko,	McCreary,	Simpson,
Andrews,	Finnerty,	McDermott,	Sinwell,
Arnold,	Fitch,	McDevitt,	Sloan,
Atkins,	Flanagan,	McElroy,	Smith, J. A.,
Aukerman,	Flinchbaugh,	McHenry,	Smith, W. G.,
Baine,	Flynn,	McKinney,	Snyder, F. E.,
Baker, F. T.,	Forrest,	Melchiorre,	Snyder, J. L.,
Baker, J. J.,	Furman,	Mentzer,	Sowers,
Baldi,	Gates,	Merrell,	Spangler,
Barber,	Gerard,	Moomaw,	Sproul,
Barnhardt,	Gillette,	Mooney,	Stank,
Bernhard,	Green,	Moore,	Stevens,
Blumberg,	Greenstein,	Moran,	Stewart,
Boose,	Habbyshaw,	Moul,	Stone,
Boyd, R.,	Haberlen,	Muir,	Stott,
Boyer,	Hagerty,	Murrin,	Sumney,
Bradley,	Haluska,	Nagel,	Surface,
Brancato,	Hamilton, F. P.,	Nothnagle,	Tahl,
Brennan,	Hamilton, R. S.,	O'Keefe,	Terry,
Brown, H. S.,	Harkins,	Ominsky,	Tronzo,
Brown, J. E.,	Harmuth,	Patterson, J. W.,	Trout,
Brownfield,	Hart,	Pearson,	Tumelty,
Brumbaugh,	Hartman,	Perry,	Turner,
Burke,	Hefferon,	Peters,	VanAllsburg,
Cannon,	Hermansen,	Pfaff,	VanSickle,
Caputo,	Hetrick,	Phillips,	Walker,
Carr,	Hindman,	Piole,	Wall,
Carson,	Hirsch,	Powers,	Wasserman,
Castor,	Hoffner,	Reising,	Weidemann,
Chervenak,	Holstrom,	Reynolds,	Weiss,
Coakley,	Hoopes,	Rhys,	Welliver,
Cochran,	Horst,	Rinn,	Welsh,
Cohen,	Jones,	Roan,	Westrick,
Coleman,	Kane,	Robinson,	White,
Condon,	Kelder,	Ruffennach,	Wickersham,
Conner,	Kelso,	Ruth,	Wilson,
Coolahan,	Kilroy,	Sarraf,	Winner,
Cordier,	Kinney,	Scanlon,	Witkin,
Decker,	Klinger,	Schrock,	Wood,
Denning,	Kobelak,	Schrope,	Woodside,
Dent,	LaRue,	Schwab,	Yeakel,
Diehl,	Linderman,	Schwartz,	Yourishin,
Dilley,	Long,	Shaw,	Zappala,
Downey, G. E.,	Longaker,	Shepard,	Zimmerman,
Downey, J. J.,	Lovett,	Shortz,	Sarig,
Duffort,	Lynch,	Shreiner,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 290, entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred ten) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by providing for the payment of borough funds only upon orders and only when there are sufficient funds available for the payment of such orders.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Falkenstein,	McDevitt,	Shugarts,
Alexander,	Ferko,	McElroy,	Siegel,
Allen,	Finnerty,	McHenry,	Simon,
Altenburg,	Forrest,	McKinney,	Simpson,
Andrews,	Furman,	Melchiorre,	Sinwell,
Arnold,	Gates,	Mentzer,	Sloan,
Atkins,	Gerard,	Merrell,	Smith, J. A.,
Aukerman,	Gillette,	Moomaw,	Smith, W. G.,
Baldi,	Green,	Mooney,	Snyder, F. E.,
Baldi,	Greenstein,	Moore,	Snyder, J. L.,
Barber,	Habbyshaw,	Moran,	Sowers,
Barnhardt,	Haberlen,	Moul,	Spangler,
Bernhard,	Hagerty,	Muir,	Sproul,
Blumberg,	Haluska,	Murrin,	Stank,
Boose,	Hamilton, F. P.,	Nagel,	Stevens,
Boyd, R.,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stone,
Bradley,	Harmuth,	Ominsky,	Stott,
Brancato,	Hart,	O'Neill,	Sumney,

Brennan,	Hartman,	Panton,	Surface,
Brown, H. S.,	Hefferon,	Parks,	Tahl,
Brown, J. E.,	Hermansen,	Patterson, C.,	Terry,
Brownfield,	Hetrick,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hindman,	Pearson,	Trout,
Burke,	Hirsch,	Perry,	Tumelty,
Cannon,	Hoffner,	Peters,	Turner,
Carr,	Holstrom,	Pfaff,	VanAllsburg,
Carson,	Hoopes,	Phillips,	VanSickle,
Castor,	Horst,	Piole,	Walker,
Chervenak,	Jones,	Powers,	Wall,
Coakley,	Kane,	Reising,	Wasserman,
Cochran,	Kelder,	Reynolds,	Weidemann,
Cohen,	Kelso,	Rhys,	Weiss,
Coleman,	Kilroy,	Rinn,	Welliver,
Condon,	Kinney,	Roan,	Welsh,
Conner,	Klinger,	Robinson,	Westrick,
Coolahan,	Kobelak,	Ruffenach,	White,
Cordier,	LaRue,	Ruth,	Wickersham,
Decker,	Linderman,	Sarraf,	Wilson,
Denning,	Long,	Scanlon,	Winner,
Dent,	Longaker,	Schrock,	Witkin,
Diehl,	Lovett,	Schrope,	Wood,
Dilley,	Lynch,	Schwab,	Woodside,
Downey, G. E.,	Male,	Schwartz,	Yeakel,
Downey, J. J.,	Mallen,	Shaw,	Yourishin,
Duffort,	Mason,	Shepard,	Zappala,
Eberharter,	McCreary,	Shortz,	Zimmerman,
Eroe,	McDermott,	Shreiner,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2035, as follows:

An Act to amend article fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto the following new section

Section 1414.1 Every minor between the ages of sixteen and eighteen years having legal residence in this Commonwealth who has not completed the courses of study provided by the school district of which he is a resident is required to attend a public day school in the district of his residence or such other day school as may be approved by the superintendent supervising principal or other head of the public schools of the district Every parent guardian or other person having control or charge of such minor is required to send such minor to such school and such minor shall attend such school continuously while such school is in session Provided That a certificate duly issued by the district superintendent supervising principal or other head of the schools of the district of which a minor between the ages of sixteen and eighteen years is a resident stating that from the school records or other competent evidence submitted to him he is satisfied that such minor has completed the courses of study provided by said school district shall be sufficient proof thereof Provided further (a) That any minor between the ages of sixteen and eighteen years who is regularly engaged in any useful and lawful employment or service shall be excused from school attendance during the time of such employment or service (b) That this section shall not apply to any minor between the ages of sixteen and eighteen years who has been examined in accordance with regulations issued by the State Superintendent of Public Instruction as provided in section fourteen hundred thirteen of this act and has been certified as physically or mentally incapable of profiting by the opportunities provided by the schools of the district in which he resides (c) That whenever upon representation made by the Board of School Directors of any district the Superintendent of Public Instruction is satisfied that the schools of such district do not maintain and are unable to provide the facilities necessary for effectively carrying out the requirements of this section he may after investigation make such modification of said requirements in the case of such district as in his judgment will best serve the interests of the minors concerned (d) That this section shall not apply to any minor who shall have reached the age of sixteen years before the first day of July nineteen hundred and thirty-five

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. NAGEL. Mr. Speaker, will the sponsor of this bill tell this House whether or not this measure makes it obligatory upon the pupils between sixteen and eighteen years of age who have not completed their course, to attend school?

Mr. YOURISHIN. Mr. Speaker and members of the House, this bill intends to do nothing more nor less than to take care of the boys and girls between the ages of sixteen and eighteen, following up the bill passed here some few weeks ago, the child labor amendment where the ages were raised from sixteen to eighteen, that where the child is not employed and a school district can provide the classroom and the facilities, the child shall attend schools until it reaches the age of eighteen years. If the child is needed at home for services around the home, then the child does not have to attend school. If the child is employed, it doesn't have to attend school after it reaches the age of sixteen, but it tends to keep the children off the streets and to put them into the classroom, where classrooms are provided for them; unless they are employed in some manner.

Mr. NAGEL. Mr. Speaker, will the gentleman tell us if there any provisions made by this bill or in the bill that would release, or how these pupils would be released from attending school? Is it through a decision of the Superintendent of Public Instruction or the County Superintendent or the teacher in charge of these pupils?

Mr. YOURISHIN. Mr. Speaker, I may say that it is entirely within the scope of the school board. The law provides that the school code shall be enforced by the local school board, if the school boards knows of any child that may be benefited by going to school between the ages of sixteen and eighteen, is not employed but on the streets, they can enforce the law by making that child attend school.

RESOLUTION

CONGRATULATING MR. AND MRS. E. T. DAVIES

Mr. O'NEILL asked and obtained unanimous consent to offer the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, May 1, 1935.

Whereas, Dr. E. T. Davies, member of this House from the Sixth District, Lackawanna County, asked leave of absence earlier this day and

Whereas, Dr. Davies in a spirited race beat the stork to the Hahnemann hospital at Scranton, and

Whereas, Dr. Davies soon after his arrival at said institution was presented with a bouncing baby girl

Therefore be it Resolved, That the House of Representatives congratulate Dr. Davies and Mrs. Davies on the new addition to the Davies household and be it further resolved that William P. Gallagher, chief clerk of the House, be instructed to forward telegraphic felicitations of the House to the proud daddy and happy mother.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1594.

A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five and for deficiencies to the legislative department for the legislative session of one thousand nine hundred and thirty-five

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECONSIDERATION OF HOUSE BILL NO. 2512

Mr. LONG. Mr. Speaker, I move that vote by which House Bill No. 2512, Printer's No. 862, entitled:

An Act staying legal proceedings against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Act of Assembly

was defeated on third reading and final passage today, on page 26, of the calendar, be reconsidered.

Mr. STANK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Long, vote on the final passage of this bill?

Mr. LONG. Mr. Speaker, I voted "no".

The SPEAKER. How did the gentleman from Northumberland, Mr. Stank, vote on the final passage of this bill?

Mr. STANK. Mr. Speaker, I voted "no".

On the question,

Will the House agree to the motion?

Mr. HOOPES. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Long.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Long, permit himself to be interrogated?

Mr. LONG. I will, Mr. Speaker.

Mr. HOOPES. Mr. Speaker, I would like to ask the gentleman what is his purpose of the motion for reconsideration.

Mr. LONG. Mr. Speaker, the purpose of the reconsideration motion is in order that the bill may be placed upon the postponed calendar, so that we give it further consideration and study possible amendments.

Mr. HOOPES. Mr. Speaker, I would like to ask the gentleman what is the nature of the amendment that he has in mind?

Mr. LONG. Mr. Speaker, the sponsor of the bill has assured me that he wishes to meet some of the objections which have been raised upon the floor today. He wishes to modify to some extent the effects of the bill. He has not informed me of the specific nature of the changes, but he assures me that they will modify the effects.

Mr. HOOPES. Mr. Speaker, I would like to ask the gentleman if he has any objection to holding him motion until the amendments are prepared, so that we may be prepared to vote intelligently on it?

Mr. LONG. Mr. Speaker, I believe that the withholding of this motion until the amendments have been prepared, would be in effect the same as placing it upon the postponed calendar until we have received the amendments and had them in printed form in the folders so that we can give them consideration and determine whether in effect they do satisfy the objections which have been made.

Mr. ANDREWS. Mr. Speaker, this motion does not have to be made today. The time limit has not expired. The point raised by the gentleman from Berks is very pertinent. The House should have the opportunity, the members of the House to acquaint themselves with the nature of the proposed amendments, so that we may know whether this offer to reinstate this bill is a drive made by the manipulaters of mortgage pools, who may possibly be interested in this measure.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the ayes appear to have it.

Whereupon, a division was called for, ninety-eight members voting in the affirmative and twenty-eight in the negative the question was determined in the affirmativ and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. LONG. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2369, entitled:

An Act to further amend section two hundred and fifteen of the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," by authorizing directors of the poor of abolishing poor districts to levy and collect such additional taxes as may be required to pay all outstanding debts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	VanAllsburg,
Caputo,	Hindman,	Peters,	VanSickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1924 (Senate Bill No. 712), as follows:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed registered and in active operation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 13 (a) The provisions of this act shall not be construed as preventing the conducting of the business or profession of undertaking by a corporation heretofore licensed [or by a corporation all of the officers of which are duly licensed undertakers actively engaged in the conduct of the business of said corporation] if such corporation is registered by and conforms with such rules and regulations as the board may prescribe with relation thereto and no branch licenses shall hereafter be granted any corporation

(b) The board shall not hereafter issue licenses to nor register any corporation which has not already been licensed registered and in active operation and no corporation shall be permitted to conduct the business or profession of undertaking which has not already been so licensed and registered and in active operation

Section 2 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	VanAllsburg,
Caputo,	Hindman,	Peters,	VanSickle,
Carr,	Hirsch,	Pfaff,	Walker,

Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1035, as follows:

An Act to amend sections four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" clarifying certain service requirements of eligibility for compensation stipulating the time within which applications shall be made and rendering certain additional classes eligible to receive compensation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" are hereby amended to read as follows

Section 4 In computing time in the service for compensation no allowance shall be made to

(a) Any civilian officer or employe of any branch of the military or naval forces contract surgeon cadet of the United States Military Academy midshipman of the United States Naval Academy or of the Coast Guard member of the Reserve Officers Training Corps member of the Students' Army Training Corps (except an enlisted man detailed to a training detachment of any of the foregoing) Philippine Scout member of the Philippine Guard member of the Philippine Constabulary member of the Porto Rico Regiment of Infantry member of the National Guard of Hawaii member of the insular forces of the Navy member of the Samoan native guard and band of the Navy or Indian scout in each case for the period of service as such

(b) Any member of the Public Health Service for any period which he or she was not detailed for active duty with the Army Navy or Marine Corps

(c) Any individual granted a farm or industrial furlough for the period of such furlough

(d) Any individual detailed for work in the Spruce Production Division of the Air Service for the period during which his pay was equalized to conform to the pay of civilian employes in the same or like employment

(e) Any individual who has received a bonus gratuity or compensation of a nature similar to that provided for by this act from any other state in the Union

Section 7 Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe

All applications shall be made (1) personally by the veteran or (2) in case of death or mental incompetency preventing the making of a personal application then by such representative of the veteran as the Adjutant General shall by regulation prescribe An application made by a representative other than one authorized by such regulation shall be held void

The Adjutant General shall not accept or consider any application filed with him after the first day of July one thousand nine hundred and thirty-eight

Section 9 Whenever prior to the date of distribution of compensation under the provisions of this act a veteran entitled thereto shall have died or become mentally incapable of receiving his or her compensation payment shall be made by the Adjutant General

(a) In case of mental incapacity to the guardian or committee if any of the veterans or if there be no guardian or committee then to the person with whom the veteran lives

(b) In case of death to the executor or administrator of the veteran's estate if an executor or administrator was appointed and the estate has not been settled

(e) In the case of death if the veteran's estate has been settled or if an executor or administrator was not appointed and is not necessary for the administration of any other property to the following persons in the order named Surviving unremarried widow or surviving minor child or surviving minor children share and share alike or surviving mother or surviving father or surviving foster-mother or surviving foster-father

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Falkenstein,	McCreary,	Shreiner,
Alexander,	Ferko,	McDermott,	Shugarts,
Allen,	Finnerty,	McDevitt,	Siegel,
Altenburg,	Fitch,	McElroy,	Simon,
Andrews,	Flanagan,	McHenry,	Simpson,
Arnold,	Flinchbaugh,	McKinney,	Sinwell,
Atkins,	Flynn,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Sowers,
Barber,	Green,	Moran,	Spangler,
Barnhardt,	Greenstein,	Moul,	Sproul,
Bernhard,	Habbyshaw,	Muir,	Stank,
Blumberg,	Haberlen,	Murrin,	Stevens,
Boose,	Haverty,	Nagel,	Stewart,
Boyd, R.,	Haluska,	Nothnagle,	Stone,
Boyer,	Hamilton, F. P.,	O'Keefe,	Stott,

Bradley,	Hamilton, R. S.,	Ominsky,	Sumney,
Brancato,	Harkins,	O'Neill,	Surface,
Brown, H. S.,	Harmuth,	Panton,	Tahl,
Brown, J. E.,	Hart,	Parks,	Terry,
Brownfield,	Hartman,	Patterson, C.,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Trout,
Burke,	Hermansen,	Pearson,	Tumelty,
Cannon,	Hetrick,	Perry,	Turner,
Caputo,	Hindman,	Peters,	VanAlisburg,
Carr,	Hirsch,	Pfaff,	VanSickle,
Carson,	Hoffner,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Cordier,	Klinger,	Ruth,	Wilson,
Decker,	Kobelak,	Sarraf,	Winner,
Denning,	LaRue,	Scanlon,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schrope,	Woodside,
Dilley,	Longaker,	Schwab,	Yeakel,
Downey, G. E.,	Lovett,	Schwartz,	Yourishin,
Downey, J. J.,	Lynch,	Shaw,	Zappala,
Duffort,	Male,	Shepard,	Zimmerman,
Eberharter,	Mallen,	Shortz,	Sarig,
Eroe,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 18, entitled:

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holdng in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverages by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquids and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing acts or parts of acts inconsistent with this act" legalizing the home manufacture of wine

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Allegheny, Mr. Zappala, permit himself to be interrogated?

Mr. ZAPPALA. Mr. Speaker, I will.

Mr. SOWERS. Mr. Speaker and members of the House, will the sponsor be kind enough to explain to the House the nature and character of the argument that he used to get this bill reported from the Law and Order Committee.

Mr. ZAPPPALA. Mr. Speaker, I promised each member that votes for the bill that he would receive a gallon of wine.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—181

Achterman,	Eberharter,	Lovett,	Scanlon,
Allen,	Eroe,	Lynch,	Shaw,
Altenburg,	Falkenstein,	Mallen,	Shepard,
Andrews,	Ferko,	Mason,	Shortz,
Atkins,	Finnerty,	McCreary,	Shugarts
Aukerman,	Fitch,	McDermott,	Siegel,
Baine,	Flanagan,	McDevitt,	Simon,
Baker, F. T.,	Flynn,	McElroy,	Simpson,
Baker, J J.,	Forrest,	McHenry,	Sinwell,
Baldi,	Furman,	McKinney,	Sloan,
Barber,	Gates,	Melchiorre,	Smith, J. A.,
Barnhardt,	Gerard,	Mentzer,	Smith, W. G.,
Bernhard,	Green,	Merrell,	Sowers,
Blumberg,	Greenstein,	Mooney,	Spangler,
Boyd, R.,	Habbyshaw,	Moore,	Sproul,
Boyer,	Haberlen,	Moran,	Stank,
Bradley,	Hagerty,	Moul,	Stevens,
Brancato,	Haluska,	Murrin,	Stott,
Brown, H. S.,	Hamilton, F. P.,	Nagel,	Sumney,
Brown, J. E.,	Hamilton, R. S.,	Nothnagle,	Surface,
Brownfield,	Harkins,	O'Keefe,	Tronzo,
Brumbaugh,	Harmuth,	Ominsky,	Trout,
Burke,	Hart,	O'Neill,	Tumelty,
Cannon,	Hartman,	Panton,	Turner,
Caputo,	Hefferon,	Parks,	Van Allsburg,
Carr,	Hermansen,	Patterson, C.,	Van Sickle,
Carson,	Hindman,	Patterson, J. W.,	Walker,
Castor,	Hirsch,	Pearson,	Wasserman,
Chervenak,	Hoffner,	Perry,	Weidemann,
Coakley,	Holstrom,	Peters,	Weiss,
Cochran,	Hoopes,	Pfaff,	Welliver,
Cohen,	Horst,	Phillips,	Welsh,
Coleman,	Jones,	Piole,	Westrick,
Condon,	Kane,	Powers,	White,
Conner,	Kelder,	Reising,	Wickersham,
Coolahan,	Kelso,	Reynolds,	Wilson,
Cordier,	Kilroy,	Rhys,	Winner,
Decker,	Kinney,	Rinn,	Witkin,
Denning,	Klingler,	Roan,	Woodside,
Dent,	Kobelak,	Robinson,	Yeakel,
Diehl,	LaRue,	Ruffennach,	Yourishin,
Dilley,	Linderman,	Ruth,	Zappala,
Downey, G. E.,	Long,	Sarraf,	Zimmerman,
Downey, J. J.,	Longaker,	Schwartz,	Sarig,
Duffort,			

NAYS—19

Alexander,	Gillette,	Schrock,	Stone,
Arnold,	Hetrick,	Schwab,	Terry,
Boose,	Male,	Snyder, F. E.,	Wall,
Brennan,	Moomaw,	Snyder, J. L.,	Wood,
Flinchbaugh,	Muir,	Stewart,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 79, as follows:

An Act to amend paragraphs (a) and (b) of section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal

and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers providing penalties and repealing existing laws" increasing the amount of reserve required of stock and mutual casualty insurance companies and exchanges for certain outstanding losses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraphs (a) and (b) of section three hundred and thirteen of the act approved the the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers providing penalties and repealing existing laws" are hereby amended to read as follows

(a) For all liability suits being defended under policies written more than

I Ten years prior to the date as of which the statement is made [one] two thousand [five hundred] dollars [($1,500)] ($2,000) for each unit

II Five and less than ten years prior to date as of which the statement is made [one] one thousand two hundred and fifty dollars [$1,000)] ($1,250) for each suit

III Three and less than five years prior to the date as of which the statement is made [eight] one thousand [hundred] [and fifty] dollars [($850)] ($1,000) for each suit

(b) For all liability policies written during the three years immediately preceding the date as of which the statement is made such reserve shall be sixty per centum of the earned liability premiums of each of such three years less all loss and loss expense payments made under liability policies written in the corresponding years but in any event such reserve shall for the first of such three years be not less than [seven] eight hundred and fifty dollars [($750)] ($850) for each outstanding liability suit on said year's policies

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. TAHL. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2483, entitled:

An Act simplifying the procedure for the construction and financing of public works projects by counties cities towns boroughs townships school districts and poor districts defining such agencies as political subdivisions enabling such political subdivisions to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon such political subdivisions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Falkenstein,	Mallen,	Shortz,
Alexander,	Ferko,	Mason,	Shreiner,
Allen,	Finnerty,	McCreary,	Shugarts,
Altenburg,	Fitch,	McDermott,	Siegel,
Andrews,	Flanagan,	McDevitt,	Simon,
Arnold,	Flinchbaugh,	McElroy,	Simpson,
Atkins,	Flynn,	McHenry,	Sinwell,
Aukerman,	Forrest,	McKinney,	Sloan,
Baine,	Furman,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Gates,	Mentzer,	Smith, W. G.,
Baker, J J.,	Gerard,	Merrell,	Snyder, F. E.,
Baldi,	Gillette,	Moomaw,	Snyder, J. L.,
Barber,	Green,	Mooney,	Sowers,
Barnhardt,	Greenstein,	Moore,	Spangler,
Bernhard,	Habbyshaw,	Moran,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Terry,
Brown, J. E.,	Hartman,	Parks,	Tronzo,
Brownfield,	Hefferon,	Patterson, C.,	Trout,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tumelty,
Burke,	Hetrick,	Pearson,	Turner,
Cannon,	Hindman,	Perry,	Van Allsburg,
Caputo,	Hirsch,	Peters,	Van Sickle,
Carr,	Hoffner,	Pfaff,	Walker,
Carson,	Holstrum,	Phillips,	Wall,
Castor,	Hoopes,	Piole,	Wasserman,
Chervenak,	Horst,	Powers,	Weidemann,
Coakley,	Jones,	Reising,	Weiss,
Cochran,	Kane,	Reynolds,	Welsh,
Cohen,	Kelder,	Rhys,	Westrick,
Coleman,	Kelso,	Rinn,	White,
Condon,	Kilroy,	Roan,	Wickersham,
Conner,	Kinney,	Robinson,	Wilson,
Cordier,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1042, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their incorporation or right to do business within the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,

Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Gillette,	Moore,	Sowers,
Barnhardt,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Moul,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,
Boose,	Haberlen,	Murrin,	Stevens,
Boyd, R.,	Hagerty,	Nagel,	Stewart,
Boyer,	Haluska,	Nothnagle,	Stone,
Bradley,	Hamilton, F. P.,	O'Keefe,	Stott,
Brancato,	Hamilton, R. S.,	Ominsky,	Sumney,
Brennan,	Harkins,	O'Neill,	Surface,
Brown, H. S.,	Harmuth,	Panton,	Tahl,
Brown, J. E.,	Hart,	Parks,	Terry,
Brownfield,	Hartman,	Patterson, C.,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Trout,
Burke,	Hetrick,	Pearson,	Tumelty,
Cannon,	Hindman,	Perry,	Turner,
Caputo,	Hirsch,	Peters,	Van Allsburg,
Carr,	Hoffner,	Pfaff,	Van Sickle,
Carson,	Holstrum,	Phillips,	Walker,
Castor,	Hoopes,	Piole,	Wall,
Chervenak,	Horst,	Powers,	Wasserman,
Coakley,	Jones,	Reising,	Weidemann,
Cochran,	Kane,	Reynolds,	Weiss,
Cohen,	Kelder,	Rhys,	Wellivet,
Coleman,	Kelso,	Rinn,	Welsh,
Condon,	Kilroy,	Roan,	Westrick,
Conner,	Kinney,	Robinson,	White,
Coolahan,	Klingler,	Ruffennach,	Wickersham,
Cordier,	Kobelak,	Ruth,	Wilson,
Decker,	LaRue,	Sarraf,	Winner,
Denning,	Linderman,	Scanlon,	Witkin,
Dent,	Long,	Schrock,	Wood,
Diehl,	Longaker,	Schrope,	Woodside,
Dilley,	Lovett,	Schwab,	Yeakel,
Downey, G. E.,	Male,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Mallen,	Shepard,	Sarig,
Eberharter,			

NAYS—1

Hermansen,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2270, entitled:

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirty) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and materials" conferring additional powers and duties on the Water and Power Resources Board.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Broe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Farko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Wellivet,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2332, entitled:

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Falkenstein,	McCreary,	Shreiner,
Alexander,	Ferko,	McDermott,	Shugarts,
Allen,	Finnerty,	McDevitt,	Siegel,
Altenburg,	Fitch,	McElroy,	Simon,
Andrews,	Flanagan,	McHenry,	Simpson,
Arnold,	Flinchbaugh,	McKinney,	Sinwell,
Atkins,	Flynn,	Melchiorre,	Sloan,
Aukerman,	Forrest,	Mentzer,	Smith, J. A.,
Baine,	Furman,	Merrell,	Smith, W. G.,
Blumberg,	Gates,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gillette,	Moore,	Spangler,
Baldi,	Green,	Moran,	Sowers,
Barber,	Greenstein,	Moul,	Sproul,
Barnhardt,	Habbyshaw,	Muir,	Stank,
Bernhard,	Haberlen,	Murrin,	Stewart,
Boose,	Hagerty,	Nagel,	Stevens,
Boyd, R.,	Haluska,	Nothnagle,	Stone,
Bradley,	Hamilton, F. P.,	O'Keefe,	Stott,
Brancato,	Hamilton, R. S.,	Ominsky,	Sumney,
Brennan,	Harkins,	O'Neill,	Surface,
Brown, H. S.,	Harmuth,	Panton,	Tahl,
Brown, J. E.,	Hart,	Parks,	Terry,
Brownfield,	Hartman,	Patterson, C.,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Trout,
Burke,	Hermansen,	Pearson,	Tumelty,
Cannon,	Hetrick,	Perry,	Turner,
Caputo,	Hindman,	Peters,	Van Allsburg,
Carr,	Hirsch,	Pfaff,	Van Sickle,
Carson,	Hoffner,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Rinn,	Welsh,
Condon,	Kelso,	Roan,	Westrick,
Conner,	Kilroy,	Robinson,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Cordier,	Klingler,	Ruth,	Wilson,
Decker,	Kobelak,	Sarraf,	Winner,
Denning,	LaRue,	Scanlon,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schrope,	Woodside,
Dilley,	Longaker,	Schwab,	Yeakel,
Downey, G. E.,	Lovett,	Schwartz,	Yourishin,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Zappala,
Eberharter,	Mallen,	Shortz,	Sarig,
Eroe,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2633, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by further extending the powers of such cities

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. HOLSTROM. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for further study.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2006, entitled:

An Act to amend paragraph two of section two thousand four hundred and three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" authorizing the council of such cities to hire certified public accountants to audit the affairs of the city when it deems it necessary.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitutions, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Muir,	Stank,
Blumberg,	Habbyshaw,	Murrin,	Stevens,
Boose,	Haberlen,	Moul,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hindman,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2637, as follows:

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Health of this Commonwealth shall keep on hand at all times a sufficient and adequate supply of anti-rabic serum

Section 2 Whenever within this Commonwealth any person shall be bitten by or directly exposed to an animal which in the opinion of a licensed and duly qualived veterinarian is afflicted or has the appearance of being afflicted with rabies os is found to have been so afflicted by laboratory examination made in the laboratory of the Department of Agriculture the physician in attendance shall have the right to requisition without formality from the Department of Health sufficient anti-rabic serum for the treatment of such person and the said Department shall with all expediency honor such requisition

Section 3 No charge of any sort shall be made by the Department of Health for such anti-rabic serum if the physician so requisitioning shall within thirty days after the receipt of the serum file with the Department an authenticated statement of a veterinarian or a copy of the laboratory report to the effect that the animal in question was afflicted with or had the appearance of being afflicted with rabies

Section 4 The attendant physician shall file at the same time a bill for all medical services rendered in connection with the treatment of the person so bitten or in contact properly attested by affidavit Upon the approval of such bill by the Secretary of Health it shall be paid by the State Treasurer

Section 5 The sum of five thousand dollars ($5,000) is hereby appropriated to carry out the provisions of this act

Section 6 This act shall becomme effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, I would like to say in line with what you said here a few minutes ago on another bill that I would like to ask the sponsor of this bill, Mr. Surface, if he could not furnish samples of this anti-rabic serum.

Mr. SURFACE. Mr. Speaker, judging from the amount of barking we hear I think we need it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Blumberg,	Hetrick,	Perry,	Van Allsburg,
Cannon,	Hindman,	Peters,	Van Sickle,
Caputo,	Hirsch,	Pfaff,	Walker,
Carr,	Hoffner,	Phillips,	Wall,
Carson,	Holstrom,	Piole,	Wasserman,
Castor,	Hoopes,	Powers,	Weidemann,
Chervenak,	Horst,	Reising,	Weiss,
Coakley,	Jones,	Reynolds,	Welliver,
Cochran,	Kane,	Rhys,	Welsh,
Cohen,	Kelder,	Rinn,	Westrick,
Coleman,	Kelso,	Roan,	White,
Condon,	Kilroy,	Robinson,	Wickersham,
Conner,	Kinney,	Ruffennach,	Wilson,
Coolahan,	Klingler,	Ruth,	Winner,
Cordier,	Kobelak,	Sarraf,	Witkin,
Decker,	Linderman,	Scanlon,	Wood,
Denning,	LaRue,	Schrock,	Woodside,
Dent,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2028, entitled:

An Act requiring the Water and Power Resources Board in granting certain permits to fix and collect annual charges and impose terms and conditions for the protection of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eberharter,	Mallen,	Shreiner,
Alexander,	Eroe,	Mason,	Shugarts,
Allen,	Falkenstein,	McCreary,	Siegel,
Altenburg,	Ferko,	McDermott,	Simon,
Andrews,	Finnerty,	McElroy,	Simpson,
Arnold,	Fitch,	McHenry,	Sinwell,
Atkins,	Flanagan,	Melchiorre,	Sloan,
Aukerman,	Flinchbaugh,	Mentzer,	Smith, J. A.,
Baine,	Flynn,	Merrell,	Smith, W. G.,
Baker, F. T.,	Forrest,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Furman,	Mooney,	Snyder, J. L.,
Baldi,	Gates,	Moore,	Sowers,
Barber,	Gerard,	Moran,	Spangler,
Barnhardt,	Gillette,	Moul,	Sproul,
Bernhard,	Green,	Muir,	Stank,
Blumberg,	Greenstein,	Murrin,	Stevens,
Boose,	Habbyshaw,	Nagel,	Stewart,
Boyd, R.,	Haberlen,	Nothnagle,	Stone,
Boyer,	Hagerty,	O'Keefe,	Stott,
Bradley,	Haluska,	Ominsky,	Sumney,
Brancato,	Hamilton, F. P.,	O'Neill,	Surface,
Brennan,	Hamilton, R. S.,	Panton,	Tahl,
Brown, H. S.,	Harkins,	Parks,	Terry,
Brown, J. E.,	Harmuth,	Patterson, C.,	Tronzo,
Brownfield,	Hart,	Patterson, J. W.,	Trout,
Brumbaugh,	Hartman,	Pearson,	Tumelty,
Burke,	Hefferon,	Perry,	Turner,
Cannon,	Hermansen,	Peters,	Van Allsburg,
Caputo,	Hetrick,	Pfaff,	Van Sickle,
Carr,	Hindman,	Phillips,	Walker,
Carson,	Hirsch,	Piole,	Wall,
Castor,	Hoffner,	Powers,	Wasserman,

Chervenak,	Holstrum,	Reising,	Weidemann,
Coakley,	Hoopes,	Reynolds,	Weiss,
Cochran,	Horst,	Rhys,	Welliver,
Cohen,	Jones,	Rinn,	Welsh,
Coleman,	Kane,	Roan,	Westrick,
Condon,	Kelder,	Robinson,	White,
Conner,	Kelso,	Ruffennach,	Wickersham,
Coolahan,	Kilroy,	Ruth,	Wilson,
Cordier,	Kinney,	Sarraf,	Winner,
Decker,	Klingler,	Scanlon,	Witkin,
Denning,	Kobelak,	Schrock,	Wood,
Dent,	LaRue,	Schrope,	Woodside,
Diehl,	Linderman,	Schwab,	Yeakel,
Dilley,	Long,	Schwartz,	Yourishin,
Downey, G. E.,	Longaker,	Shaw,	Zappala,
Downey, J. J.,	Lovett,	Shepard,	Zimmerman,
Duffort,	Male,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2433 (Senate Bill No. 520), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-ing the indebtedness of municipalities to provide for the five) entitled "An act to regulate the manner of increas-redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and pays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	VanAllsburg,
Caputo,	Hindman,	Peters,	VanSickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schropa,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information tha tthe House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2775 (Senate Bill No. 752), entitled:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation

On the question,

Will the House agree to the bill on third reaeding?

MOTION TO RECOMMIT

Mr. CAPUTO. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study and amendment.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Beaver, Mr. Caputo.

The SPEAKER. Will the gentleman from Beaver, Mr. Caputo, permit himself to be interrogated?

Mr. CAPUTO. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, may I ask the purpose in sending this bill back to committee in view of the fact that it appears to be a most simple bill and also in view of the fact that it has been on the calendar and is now on third reading. I don't want to oppose the motion if there is any good reason for it.

Mr. CAPUTO. Mr. Speaker, in answer to the question asked by the gentleman from Philadelphia, I might state that this motion was made at the request of a member not present and here is my understanding although I cannot verify it at this time, that here is another bill in committee somewhat similar to this, and it is the intention of these people to have incorporated in this bill and go before the House with a measure covering both things.

Mr. WITKIN. Mr. Speaker, in view of the fact that the member is not present may I ask whether the gentleman will agree to change his motion and that the bill be placed upon the postponed calendar in lieu of sending it back to the Committee?

Mr. CAPUTO. Mr. Speaker, I will.

On the question recurring;

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. CAPUTO. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2121, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class providing for the organization of a board for superintending and managing the drawing and selecting of jurors and prescribing its powers and duties conferring powers and imposing duties and liabilities on the sheriff imposing duties on registration commissions and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HAGERTY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1928, entitled:

An Act providing for the administration of relief to the poor in cities of the first class by the Department of Public Welfare and abolishing existing poor districts therein

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. KILROY. Mr. Speaker, I move that this bill be place upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2468, entitled:

An Act validating ratifying approving and confirming bonds and other instruments or obligations heretofore issued by counties cities boroughs towns townships school districts poor districts and other incorporated districts of ths Commonwealth for public works projects

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	VanAllsburg,
Caputo,	Hindman,	Peters,	VanSickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2476, entitled:

An Act providing for the incurring or increasing of indebtedness by counties, cities, boroughs, towns, townships, school districts and poor districts, for the purpose of financing public works projects from the proceeds of loans or grants or both from the federal government or any agency thereof, prescribing the procedure to be followed in authorizing the issuance of bonds as evidence of such indebtedness, and their disposal at public sale or at private sale to the federal government or any agency thereof; authorizing counties, cities, boroughs, towns, townships, school districts and poor districts, to accept grants and enter into any contracts required in connection with the acceptance of any loan or grant or both or the construction of any project from the proceeds thereof; and providing for the expiration of the power conferred by this act on the thirtieth day of June, one thousand nine hundred and thirty-seven.

And said bill having been read at length the third time, considered and agreed to.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Snyder, F. E.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	VanAllsburg,
Caputo,	Hindman,	Peters,	VanSickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2127, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by providing for the creation of the Banking Board the appointment of its members the payment of its expenses and defining its powers and duties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two hundred one Section three hundred one Section four hundred two Section five hundred one and Section one thousand eleven of the act approved the fifteenth day May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 201 Corporations and Persons Subject to Supervision of Department The Department shall have the power to supervise

(1) All corporations and persons which are authorized to receive or which do receive in this Commonwealth money on deposit or for safekeeping or which are authorized to engage or which do engage in this Commonwealth in a banking business and all corporations which are authorized to act or which do act in this Commonwealth as trustees guardians executors administrators or in other fiduciary capacities including banks bank and trust companies trust companies private banks [other than those exempted by this act] savings banks and mutual savings funds [and safe-deposit companies] but not including hotels or clubs which receive money from guests or members for temporary safe-keeping express steamship or telegraph companies which receive money for transmission and attorneys at law real estate agents and attorneys in fact who are not engaged in the business of receiving moneys in this Commonwealth for deposit or for transmission but receive and transmit moneys only as an incident to their general business or profession brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

(2) All building and loan associations authorized to transact or transacting business in this Commonwealth

(3) All national banking associations incorporated under the laws of the United States and located within this Commonwealth which are authorized to act [and] or which do act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities to the extent to which supervision by state authorities is or may be permitted under the laws of the United States

However when any corporation subject to the supervision of the Department of Banking shall also engage in a title insurance business a mortgage guarantee busi-

ness or any other business subject to the supervision of the Insurance Department such branch of its business shall not be subject to the supervision of the Department of Banking

Section 301 Relationships of Employes of Department with Institutions Penalty A Neither the Secretary nor any deputy examiner clerk or other employe of the Department nor any deputy receiver or other employe of the Secretary of Banking as receiver shall be an officer director trustee manager employe or shareholder of or directly or indirectly have any pecuniary interest in any institution nor shall he after becoming Secretary or a deputy examiner clerk or other employe of the Department or a deputy receiver or other employe of the Secretary of Banking as receiver directly or indirectly receive from any institution or from any officer director or employe thereof any sum of money or other property whether as a gift credit loan or otherwise However the Secretary or any deputy examiner clerk or other employe of the Department or any deputy receiver or other employe of the Secretary of Banking as receiver may secure from any institution a mortgage loan upon his own house upon the same terms and in the same manner as are provided by law for mortgage loans by such institutions upon real property and as are customarily imposed and followed by the institution making such loan

This section shall not be construed to prohibit the Secretary or any deputy examiner clerk or other employe of the department or any deputy receiver or other employe of the Secrtary of Banking as receiver from becoming a depositor in any institution

B A violation by the Secretary deputy deputy receiver examiner clerk or other employe of the prohibitions of this section shall constitute sufficient ground for his removal from office In addition the Secretary deputy deputy receiver examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money which he has directly or indirectly received in violation of this section

Section 402 Examination of Corporations or Persons Affiliated with Institutions A The Department of Banking shall have the power to supervise regulate limit or prohibit the activities of corporations or persons affiliated with institutions to the same extent as such activities of corporations or persons affiliated with national banking associations or with members of a Federal Reserve Bank are or shall be supervised regulated limited or prohibited by general law or by regulation issued by any Federal authority pursuant to law

B For the purpose of determining the condition of and obtaining full information about an institution the Department may examine and investigate the property assets books papers and affairs of any corporation or person affiliated with such institution A corporation or person shall be deemed to be affiliated with an institution for the purposes of this section if

(1) It is owned directly or indirectly by such institution

(2) It owns directly or indirectly such institution or

(3) It is owned directly or indirectly by the same person or corporation which owns directly or indirectly such institution or

(4) The election of a majority of its board of directors is controlled directly or indirectly by an instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors of such institution or

(5) A majority of its directors or a majority of the members of the executive committee of its board of directors are also directors of such institutions or

(6) Members of its board of directors constitute a majority of the board of directors or a majority of the executive committee of the board of directors of such institutions or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors of any such institution or comprise all or substantially all of the executive officers of any such institution or

(8) Its board of directors is composed of executive officers of any such institution or

(9) It dominates or controls in whole or in part the business or policy of such institution either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution

Provided however that the Department shall not have power to examine any corporation or person as an affiliated corporation or person under this section unless (1) it either directly or indirectly owns an institution or (2) within the preceding two-year period business transactions or relations existed between such corporation or person and the institution or (3) the institution within the preceding two-year period had outstanding loans secured in whole or in part by shares of stock or securities of such corporation or person or by any property in which such corporation or person was in any way or to any extent interested

For the purposes of this section the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of a corporation for the election of its directors shall be deemed to be ownership of such corporation

Shares of stock held in the name of a nominee of any corporation for the benefit of such corporation shall be deemed to be shares owned or controlled by the corporation

Section 501 Orders by Department A Whenever it shall appear to the department that any institution is violaing any provision of its charter or of this act or of any other law regarding the business of such institution or that such institution is conducting business in an unsafe or unsound manner the department may issue a written order under the seal of the department directing such institution to discontinue within such period as shall be specified in the order such violation of law or such unsafe or unsound practice

B Whenever it shall appear to the department that an attorney officer or employe of an institution and in the case of an unincorporated institution a director or trustee thereof shall have continued to violate any law relating to such institution or shall have continued unsafe or unsound practices in conducting the business of such institution after having been warned by the department to discontinue such violations of law or such unsafe or unsound practices the department may issue an order directing such attorney officers employe director or trustee to appear on the day fixed in such order before the Banking Board and show cause why he should not be removed from his office or position and such office or position declared vacant A copy of such order shall be sent to the institution of which such person is an attorney officer employe director or trustee and a copy of such order shall be sent to the Banking Board

The office or position of any attorney officer employe director or trustee so ordered by the department to appear before the Banking Board who does not appear on the day fixed in such order shall unless the date for his appearance shall previously have been extended by the department upon such failure to appear be declared vacant Notice of such failure to appear shall be given by the Banking Board to the department

On the day fixed by the board such attorney officer employe director or trustee shall be heard in person or by counsel by the Banking Board If after such hearing it shall appear to the Banking Board that such attorney officer employe director or trustee has not shown cause why he should not be removed from his office or position and such office or position declared vacant it shall within sixty days of such hearing notify the department of its decision Upon receipt of such notice or of notice that an attorney officer employe director or trustee has failed to appear on the day fixed the department shall issue an order directing the institution to remove such attorney officer employe director or trustee from his office or position and declare such office or position vacant a

copy of such order shall be sent to the attorney officer employe director or trustee so removed

The department shall set forth in its order the date upon which any such removal and declaration of vacancy shall become effective

If after such hearing it shall appear to the Banking Board that such attorney officer employe director or trustee has shown proper cause for not removing him or declaring his office or position vacant it shall within sixty days of such hearing notify the department to that effect

If the institution of which such attorney officer employe director or trustee is a member of a Federal Reserve Bank the Federal Deposit Insurance Corporation the Federal Home Loan Bank or the Federal Savings and Loan Insurance Corporation the department may notify such Federal Reserve Bank Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation of its order directing such attorney officer employe director or trustee to appear before the Banking Board and of the decision of the Banking Board At such hearing any duly authorized representative of such Federal Reserve Bank Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation may appear as a witness against such attorney officer employe director or trustee

Except as herein otherwise specifically provided the proceedings of the Banking Board and its decisions shall not be published or divulged to anyone

The decision of the Banking Board shall be conclusive and not subject to any review Any attorney officer employe director or trustee who is removed from his office or position as provided in this section shall forever thereafter be disqualified from acting as an attorney officer employe director or trustee of any institution in this Commonwealth

C There is hereby created a board to be known as the "Banking Board" which shall hear any attorney officer employe director or trustee of any corporation or person subject to the supervision of the Department of Banking who shall have been ordered by the Department of Banking to appear before such board to show cause why his office or position should not be declared vacant

The board shall consist of nine members one of which shall be the Secretary of Banking who shall act as chairman Two of its members shall be appointed by the Govvernor and may be removed from the board at his pleasure The remaining six members shall be appointed by the Governor from a list of nominations submitted to him as herein provided but they shall not be removed from office unless any such member shall have failed to attend six consecutive meetings of such board

(1) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities of Groups one and two of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

(2) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trusees guardians executors administrators or in any other fiduciary capacities of Groups three four five and six of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

(3) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities of Groups seven and eight of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

Such nominations shall be submitted to the Governor not less than thirty days before July first one thousand nine hundred thirty-five and bi-annually thereafter If such nominations are not so submitted to the Governor he shall appoint as members of the board attorneys officers employes directors or trustees of corporations or persons subject to the supervision of the Department of Banking two of whom shall be from Groups one and two of the Pennsylvania Bankers Association two from Groups three four five and six of the Pennsylvania Bankers Association and two from Groups seven and eight of the Pennsylvania Bankers Association but they shall not be removed from office unless any such member shall have failed to attend six consecutive meetings of such board

Such members shall be appointed to serve for two years from July one one thousand nine hundred and thirty-five and bi-annually thereafter and until their successors are duly appointed and have qualified Appointed members of the board shall qualify by giving written notice to the Secretary of Banking of their acceptance of such appointment

The board may by the vote of a majority of all its members excuse any member for failure to attend its meetings but if not so excused the office of the member who failed to attend six consecutive meetings shall be declared vacant and the vacancy filled as herein provided

Vacancies in the board caused by death resignation failure to attend meetings or otherwise shall be filled by the Governor

The board shall meet upon the call of the chairman notice of which shall be given to each member in writing not less than five days prior to the date fixed for such meeting.

A majority of all the members of the board in office shall be necessary to constitute a quorum for the transaction of business and the acts of a majority of the members who are present at a meeting at which a quorum is present shall be the acts of the board provided that the chaiman shall have no vote unless they be equally divided.

Members of the board shall serve without compensation but shall be entitled to personal expenses actually incurred in the performance of duties which if approved by the Department of Banking shall be paid by it

The board shall meet in the office of the Department of Banking for which purpose the Department of Banking shall furnish to the board adequate office space and such other facilities as are necessary for its administration The Department of Banking shall designate one of its employes to act as secretary to the board and shall furnish such other employes as may be required

The secretary shall keep full minutes of the proceedings of the board which shall be available only to the members thereof

In connection with any hearing or investigation the board shall have power to issue subpoenas requiring the attendance of or the production of pertinent books and papers by the officers directors agents employes or members respectively of any corporation or person which the department is authorized under the provisions of this act to examine The board shall upon application of the attorney officer employe director or trustee to be heard subpoena such witnesses as are set forth in such application The board shall also have the power to question such witnesses under oath or affirmation and to examine such books and papers

Any witness who refuses to obey a subpoena issued under this section or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed for which purpose such court is hereby given jurisdiction

[B] D Whenever it shall appear to the department that the capital of a corporation under its supervision has been impaired or the capital and surplus reduced below the minimum required by law or below the amount required by its articles of incorporation the department may issue a written order under the seal of the department directing such corporation to make good the deficiency within such period as shall be specified in the order

[C] E Whenever it shall appear to the department that the bond or securities of a person under its supervision which are required by law to be deposited with the department have depreciated in value so that their

good the deficiency within such period as shall be specified in the order

[D] F Whenever it shall appear to the department that any institution is not keeping its books and accounts in such manner as to enable the department with reasonable facility to ascertain the true condition of the institution the department may issue a written order under the seal of the department requiring such institution within such period as shall be specified in the order to open and keep such books as the department may in its discretion reasonably determine are essential for the purpose of keeping accurate and convenient records of the transactions and accounts of such institution

[E] G Whenever any institution shall refuse to submit its records and affairs to be legally conducted examination or investigation by the Department the department may issue a written order under its seal requiring such institution to permit the secretary or other duly authorized examiner to make such examination or investigation within such period as shall be specified in the order

Section 1011 Order of Preference in Distribution A The following shall be the order followed by the Secretary in the distribution pursuant to the provisions of this act of the assets of any institution with the exception of a building and loan association which he as receiver is liquidating

First Any expenditure made by the Secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the Department for examinations or other services rendered or penalties incurred prior to the taking of possession by the Secretary as receiver any deposit or other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any deposit and any interest due thereon which has been or according to the by-laws or rules and regulations of the institution should have been credited to such deposit prior to the date of the taking of possession of the institution by the Secretary as receiver whether subject to withdrawal by check or by any other method not requiring notice or to withdrawal only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution any holder of a certified check drawn on the institution the claim of any holder of a certificate of deposit of the institution which evidences an actual deposit of moneys in such institution and any interest which may be due thereon whether such certificate of deposit is payable upon demand or is payable only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution the claim of any holder of a check or draft of the institution which has been given in exchange for or in payment of a check or draft drawn upon such institution by a depositor therein or which has otherwise been charged to the account of a depositor therein provided that the amount of such check or draft does not exceed the balance to the credit of such depositor or which has been given in exchange for cash or for any check or draft the proceeds of which have been received by the institution excepting claims which are preferred by the Bank Collection Act of 1931 any claim for cash or for any check or draft the proceeds of which have been received by the institution which was delivered to the commercial department of such institution as fiduciary either for transmission or for any purpose other than as a deposit irrespective of whether all or part of such cash or the funds realized from such check or wraft has been mingled with the assets of such institution

Fourth Any claim for the amount of any deficiency in the funds property or investments of an estate of which the institution was fiduciary or any surcharge with respect to such estate which is found to be due by the court in which the account for such estate is filed and any claim of a creditor of the institution not listed under any other category ni this section

Fifth Any part of the amounts paid by shareholders after an assessment upon them by the Secretary pursuant to the provisions of this act which has proved unnecessary to pay in full all depositors or other creditors of the institution such payments are to be made pro rata up to the respective amounts paid by each shareholder This clause shall not be construed to refer to payments made by shareholders on account of unpaid subscriptions to shares

Sixth Any moneys of the institution which still remain in the hands of the Secretary shall be paid to shareholders in proportion to the number of shares held by the mrespectively minus any amount still owing by them on the assessment made by the Secretary pursuant to the provisions of this Act or on unpaid subscriptions to shares provided however if the Articles of Incorporation or any amendments thereto prefer any class of shareholders over another class then distribution shall be made in conformity with the Articles of Incorporation and any amendments thereto

Seventh Any unliquidated assets to trustees for shareholders appointed pursuant to the provisions of this Act

B The following shall be the order and preference followed by the Secretary in the distribution pursuant to the provisions of this act of the assets of any building and loan association the affairs of which he as receiver is liquidating

First Any expenditures made by the Secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the Department for examinations or other services rendered or penalties incurred prior to the taking of possession by the Secretary os receiver any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any claim of a creditor of the association other than the claim of a share holder arising from his ownership of shares

Fourth Any claim of a shareholder whether or not reduced to a judgment arising from his ownership of shares whether such shares be installment full-paid prepaid matured or any other type and whether or not notice of withdrawal of such shares has been given to the association The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

C Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

D All claims provided for in this section shall be construed to refer only to claims presented to the Secretary and approved by the court in accordance with the provisions of this act

Section 2 This act shall become effective immediately upon final enactment

Section 3 All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,

copy of such order shall be sent to the attorney officer employe director or trustee so removed

The department shall set forth in its order the date upon which any such removal and declaration of vacancy shall become effective

If after such hearing it shall appear to the Banking Board that such attorney officer employe director or trustee has shown proper cause for not removing him or declaring his office or position vacant it shall within sixty days of such hearing notify the department to that effect

If the institution of which such attorney officer employe director or trustee is a member of a Federal Reserve Bank the Federal Deposit Insurance Corporation the Federal Home Loan Bank or the Federal Savings and Loan Insurance Corporation the department may notify such Federal Reserve Bank Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation of its order directing such attorney officer employe director or trustee to appear before the Banking Board and of the decision of the Banking Board At such hearing any duly authorized representative of such Federal Reserve Bank Federal Deposit Insurance Corporation Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation may appear as a witness against such attorney officer employe director or trustee

Except as herein otherwise specifically provided the proceedings of the Banking Board and its decisions shall not be published or divulged to anyone

The decision of the Banking Board shall be conclusive and not subject to any review Any attorney officer employe director or trustee who is removed from his office or position as provided in this section shall forever thereafter be disqualified from acting as an attorney officer employe director or trustee of any institution in this Commonwealth

C There is hereby created a board to be known as the "Banking Board" which shall hear any attorney officer employe director or trustee of any corporation or person subject to the supervision of the Department of Banking who shall have been ordered by the Department of Banking to appear before such board to show cause why his office or position should not be declared vacant

The board shall consist of nine members one of which shall be the Secretary of Banking who shall act as chairman Two of its members shall be appointed by the Governor and may be removed from the board at his pleasure The remaining six members shall be appointed by the Governor from a list of nominations submitted to him as herein provided but they shall not be removed from office unless any such member shall have failed to attend six consecutive meetings of such board

(1) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities of Groups one and two of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

(2) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trusees guardians executors administrators or in any other fiduciary capacities of Groups three four five and six of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

(3) Members other than national banking associations which are not authorized to act or which do not act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities of Groups seven and eight of the Pennsylvania Bankers Association shall nominate in writing to the Governor five persons two of whom shall be appointed by him as members of the board

Such nominations shall be submitted to the Governor not less than thirty days before July first one thousand nine hundred thirty-five and bi-annually thereafter If such nominations are not so submitted to the Governor he shall appoint as members of the board attorneys officers employes directors or trustees of corporations or persons subject to the supervision of the Department of Banking two of whom shall be from Groups one and two of the Pennsylvania Bankers Association two from Groups three four five and six of the Pennsylvania Bankers Association and two from Groups seven and eight of the Pennsylvania Bankers Association but they shall not be removed from office unless any such member shall have failed to attend six consecutive meetings of such board

Such members shall be appointed to serve for two years from July one one thousand nine hundred and thirty-five and bi-annually thereafter and until their successors are duly appointed and have qualified Appointed members of the board shall qualify by giving written notice to the Secretary of Banking of their acceptance of such appointment

The board may by the vote of a majority of all its members excuse any member for failure to attend its meetings but if not so excused the office of the member who failed to attend six consecutive meetings shall be declared vacant and the vacancy filled as herein provided

Vacancies in the board caused by death resignation failure to attend meetings or otherwise shall be filled by the Governor

The board shall meet upon the call of the chairman notice of which shall be given to each member in writing not less than five days prior to the date fixed for such meeting.

A majority of all the members of the board in office shall be necessary to constitute a quorum for the transaction of business and the acts of a majority of the members who are present at a meeting at which a quorum is present shall be the acts of the board provided that the chaiman shall have no vote unless they be equally divided.

Members of the board shall serve without compensation but shall be entitled to personal expenses actually incurred in the performance of duties which if approved by the Department of Banking shall be paid by it

The board shall meet in the office of the Department of Banking for which purpose the Department of Banking shall furnish to the board adequate office space and such other facilities as are necessary for its administration The Department of Banking shall designate one of its employes to act as secretary to the board and shall furnish such other employes as may be required

The secretary shall keep full minutes of the proceedings of the board which shall be available only to the members thereof

In connection with any hearing or investigation the board shall have power to issue subpoenas requiring the attendance of or the production of pertinent books and papers by the officers directors agents employes or members respectively of any corporation or person which the department is authorized under the provisions of this act to examine The board shall upon application of the attorney officer employe director or trustee to be heard subpoena such witnesses as are set forth in such application The board shall also have the power to question such witnesses under oath or affirmation and to examine such books and papers

Any witness who refuses to obey a subpoena issued under this section or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed for which purpose such court is hereby given jurisdiction

[B] D Whenever it shall appear to the department that the capital of a corporation under its supervision has been impaired or the capital and surplus reduced below the minimum required by law or below the amount required by its articles of incorporation the department may issue a written order under the seal of the department directing such corporation to make good the deficiency within such period as shall be specified in the order

[C] E Whenever it shall appear to the department that the bond or securities of a person under its supervision which are required by law to be deposited with the department have depreciated in value so that their

good the deficiency within such period as shall be specified in the order

[D] F Whenever it shall appear to the department that any institution is not keeping its books and accounts in such manner as to enable the department with reasonable facility to ascertain the true condition of the institution the department may issue a written order under the seal of the department requiring such institution within such period as shall be specified in the order to open and keep such books as the department may in its discretion reasonably determine are essential for the purpose of keeping accurate and convenient records of the transactions and accounts of such institution

[E] G Whenever any institution shall refuse to submit its records and affairs to be legally conducted examination or investigation by the Department the department may issue a written order under its seal requiring such institution to permit the secretary or other duly authorized examiner to make such examination or investigation within such period as shall be specified in the order

Section 1011 Order of Preference in Distribution A The following shall be the order followed by the Secretary in the distribution pursuant to the provisions of this act of the assets of any institution with the exception of a building and loan association which he as receiver is liquidating

First Any expenditure made by the Secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the Department for examinations or other services rendered or penalties incurred prior to the taking of possession by the Secretary as receiver any deposit or other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any deposit and any interest due thereon which has been or according to the by-laws or rules and regulations of the institution should have been credited to such deposit prior to the date of the taking of possession of the institution by the Secretary as receiver whether subject to withdrawal by check or by any other method not requiring notice or to withdrawal only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution any holder of a certified check drawn on the institution the claim of any holder of a certificate of deposit of the institution which evidences an actual deposit of moneys in such institution and any interest which may be due thereon whether such certificate of deposit is payable upon demand or is payable only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution the claim of any holder of a check or draft of the institution which has been given in exchange for or in payment of a check or draft drawn upon such institution by a depositor therein or which has otherwise been charged to the account of a depositor therein provided that the amount of such check or draft does not exceed the balance to the credit of such depositor or which has been given in exchange for cash or for any check or draft the proceeds of which have been received by the institution excepting claims which are preferred by the Bank Collection Act of 1931 any claim for cash or for any check or draft the proceeds of which have been received by the institution which was delivered to the commercial department of such institution as fiduciary either for transmission or for any purpose other than as a deposit irrespective of whether all or part of such cash or the funds realized from such check or wraft has been mingled with the assets of such institution

Fourth Any claim for the amount of any deficiency in the funds property or investments of an estate of which the institution was fiduciary or any surcharge with respect to such estate which is found to be due by the court in which the account for such estate is filed and any claim of a creditor of the institution not listed under any other category ni this section

Fifth Any part of the amounts paid by shareholders after an assessment upon them by the Secretary pursuant to the provisions of this act which has proved unnecessary to pay in full all depositors or other creditors of the institution such payments are to be made pro rata up to the respective amounts paid by each shareholder This clause shall not be construed to refer to payments made by shareholders on account of unpaid subscriptions to shares

Sixth Any moneys of the institution which still remain in the hands of the Secretary shall be paid to shareholders in proportion to the number of shares held by the mrespectively minus any amount still owing by them on the assessment made by the Secretary pursuant to the provisions of this Act or on unpaid subscriptions to shares provided however if the Articles of Incorporation or any amendments thereto prefer any class of shareholders over another class then distribution shall be made in conformity with the Articles of Incorporation and any amendments thereto

Seventh Any unliquidated assets to trustees for shareholders appointed pursuant to the provisions of this Act

B The following shall be the order and preference followed by the Secretary in the distribution pursuant to the provisions of this act of the assets of any building and loan association the affairs of which he as receiver is liquidating

First Any expenditures made by the Secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the Department for examinations or other services rendered or penalties incurred prior to the taking of possession by the Secretary os receiver any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any claim of a creditor of the association other than the claim of a share holder arising from his ownership of shares

Fourth Any claim of a shareholder whether or not reduced to a judgment arising from his ownership of shares whether such shares be installment full-paid prepaid matured or any other type and whether or not notice of withdrawal of such shares has been given to the association The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

C Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

D All claims provided for in this section shall be construed to refer only to claims presented to the Secretary and approved by the court in accordance with the provisions of this act

Section 2 This act shall become effective immediately upon final enactment

Section 3 All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,

Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Boldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	VanAllsburg,
Caputo,	Hindman,	Peters,	VanSickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2128, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two hundred three Section five hundred one Section five hundred two Section five hundred thirteen Section five hundred seventeen Section five hundred twenty Section one thousand four Section one thousand four hundred one Section one thousand four hundred twelve Section one thousand four hundred sixteen Section one thousand four hundred seventeen and Section one thousand four hundred eighteen of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that Section nine hundred eight of that act as last amended by the act approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws one hundred twenty-eight) is hereby further amended to read as follows

Section 203 Place of Business Change of Place of Business A [An] Except as herein otherwise provided an institution shall not transact any banking or trust business except in the case of an incorporated institution at the place or places designated in its articles and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B An incorporated institution may change its place of business within the limitations imposed by this act in the regular manner provided by this act for an amendment to its articles Any private bank may likewise remove its place of business within the limitations of this act if it shall first obtain the written approval of the department Such removal by an institution shall not in any case be to a place where such institution would not be entitled under the provisions of this act to establish a branch at the time it applies for authority to make such change and shall not violate the provisions of this act relating to the establishment of branches agencies sub-offices or sub-agencies C A private bank which upon the effective date of this act lawfully maintains one or more officers or places of business in any other state or foreign country may continue to maintain and operate any such offices or places of business and do and perform all such acts and make all such loans discounts and investments at such offices or places of business as are permitted or required under the laws of such other state or foreign country subject to such restrictions or limitations as may be imposed by the laws of such other state or foreign country

D However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 501 Number and Election of Directors and Trustees Executive Committees Subject to the provisions of this act the number qualifications terms of office manner of election time and place of meeting compensation and powers and duties of the directors of a bank or a bank and trust company or a trust company may be prescribed from time to time by the by-laws

Subject to the provisions of this act the number qualification manner of election time and place of meeting compensation and powers and duties of the trustees of a savings bank may be prescribed from time to time by the by-laws

Except as otherwise provided in the articles or by-laws or in the case of a savings bank in the special act creating such savings bank its amendments and supplements

(1) A director shall be elected for a term of one year a trustee until he becomes disqualified or resigns

(2) The number of directors or trustees shall be the same as that stated in the articles but not less than the minimum prescribed by this act [.] and in the case of directors not more than the maximum prescribed by this act

(3) Vacancies in the board of directors or in the board of trustees caused by death resignation disqualification or otherwise [shall] may be filled by the remaining members of the board though less than a quorum and each person so elected shall in the case of a bank a bank and trust company or a trust company be a director until his successor is elected by the shareholders who may make such election at the next annual meeting of the shareholders or at any special meeting duly called for that purpose and held prior thereto and in the case of a savings bank created by special act by the persons specified in such act In the case of any other savings bank he shall serve until he shall become disqualified or shall resign

(4) The meetings of the board of directors or of the board of trustees shall be held at such place within this Commonwealth as a majority of the directors or of the trustees may from time to time designate or as may be designated in the notice calling the meeting

(5) A majority of all the directors or trustees in office shall be necessary to constitute a quorum for the transaction of business and except as otherwise provided in this act or in the articles or by-laws of a particular incorporated institution the acts of a majority of the directors or trustees who are present at a meeting at which a quorum is present shall be the acts of the board of directors or the board of trustees but if all the directors or trustees shall severally or collectively consent in writing to any action to be taken by the incorporated institution such action shall be as valid corporate action as though it had been authorized at a meeting of the board of directors or the board of trustees

(6) The board of directors or the board of trustees may by resolution adopted by a majority of the whole board delegate three or more of its number in the case of a bank a bank and trust company or a trust company and five or more of its number in the case of a savings bank to constitute an executive committee which to the extent provided in such resolution shall have and exercise the authority of the board over the ordinary operations of the business of the incorporated institution between the dates of the regular meetings of the board Every such committee shall keep full minutes of all business transacted by it and shall present detailed reports of all such minutes to the board at each regular meeting

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shall be managed in the case of a bank a bank and trust company or a trust company by a board of [at least] not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the duties granted to or imposed upon the incorporated institution by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the share-holders

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified The names of the first trustees shall be stated in the articles

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bona fide residents in this Commonwealth

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number or par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant He shall not be eligible for re-election as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one year from the expiration of his term Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

F The following shall not be eligible to be directors or trustees in any incorporated institutions

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any judge who shall be a director or trustee of an institution upon the effective date of this act as long as such judge continuously remains a director or trustee of such institution

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

(3) Any person authorized to receive and account for the public moneys of this Commonwealth

G A trustee of a savings bank shall not at the same time be a trustee officer or employe of any other savings bank

Section 513 Bonds of Officers and Employes A The officers and employes of every institution as well as any director or trustee of an incorporated institution who is authorized to receive payments of moneys or to handle negotiable securities on behalf of such incorporated institution shall be bonded in such form of bond and in such amount as is specified with such surety as is approved in the case of an incorporated institution by the board of directors or trustees and in the case of a private bank by the private banker or bankers [Such bond shall be conditioned upon the faithful performance of the duties of such officers directors trustees or employes] The cost of such bonds may be paid by the institution

B The department shall have the power to require any such officer director trustee or employe at any time during his term of office or employment to be bonded in an amount greater than that required by the board of directors or trustees of the incorporated institution or by the private banker or bankers as the case may be or it may require new or additional surety

Section 517 Acceptance of Fee or Commission by Director Trustee Officer Attorney or Employe A Neither [an] a director trustee officer attorney or employe of an institution nor [an] a director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act shall stipulate for or agree or assent to receive or receive any fee commission gift or other property of value from any corporation or person for procuring or for endeavoring to procure for such corporation or person or for any other corporation or person any loan from or any investment by or any purchase or discount of any paper note draft

check bill of exchange or other commercial paper by such institution

B Any director trustee officer attorney or employe of an institution or any director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act who [knowingly] violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount or the value of the property which he receives as such fee commission or gift

Section 520 Purchases from the Sales to Directors Trustees Officers Attorneys or Employes A An institution shall not contract for or purchase from any of its officers attorneys or employes and in the case of an incorporated institution from any of its directors or trustees nor from any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act from any of the directors or trustees any securities or other property unless such purchase is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and in the case of an incorporated institution unless such purchase is authorized by the vote of a majority of all the members of the board of directors or of the board of trustees of such incorporated institution who are not interested in such transaction except in their capacity as directors or trustees of the incorporated institution

B An institution shall not sell securities or other property owned or held by it to any of its officers attorneys or employes and in the case of incorporated institutions to any of its directors or trustees nor to any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act to any of the directors or trustees unless such sale is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and unless in the case of an incorporated institution such sale is authorized by the vote of a majority of all the members of the board of directors or the board of trustees of such incorporated institution who are not interested in such transaction except in their capacities as directors or trustees of the incorporated institution

C Any officer attorney or employe of an institution any director or trustee thereof or any officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act any director or trustee thereof who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction

Section 908 Reserve Fund against Deposits and Demand Liabilities A Every bank bank and trust company or private bank shall establish and maintain a reserve fund in an amount equal to at least fifteen per centum of the total of its [net] demand deposits and [net] demand liabilities plus seven and one-half per centum of its total [net] time deposits as herein defined

B Except in the case of a savings bank the term "demand deposits" shall be construed to refer to all deposits payment of which can legally be required on demand or within any period less than thirty days after demand

The term "demand liabilities" shall be construed to refer to all obligations of the institution other than deposits payment of which can legally be required on demand

Except in the case of a savings bank the term "time deposits" shall be construed to refer to all deposits payment of which cannot legally be required within thirty days

C Except in the case of a savings bank the total of such reserve fund may and at least one-third of the reserve fund against demand deposits and demand liabilities shall unless the Department gives its written approval of a lesser amount consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States and be kept on hand at the place of business of the institution unpledged unassigned and unhopothecated

One-third of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Any part of such reserve fund not required to consist of gold bullion gold coin or any form of currency kept on hand at the place of business of the institution may consist of an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

D Every savings bank shall establish and maintain a reserve fund in an amount equal to at least seven and one-half per centum of the total of its [net] deposits

E In the case of savings banks the total of such reserve fund may and at least two-thirds thereof shall consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated or an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

The balance of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Section 1004 Pledge of Assets for Deposits A bank or a bank and trust company shall not have the power to pledge or hypothecate any of its assets as security for deposits made with it except for the following

(1) Federal State municipal school district or other public funds

(2) Funds deposited by the Secretary of Banking as receiver of [an institution] a corporation or person of which he has pursuant to the provisions of law taken possession

(3) Funds deposited by a bank and trust company in its own commercial department which funds are being held by such bank and trust company in a fiduciary capacity and are being deposited by it pending investment or distribution (4) Funds deposited by a corporation or person which are required to be secured by law or an order of a court having jurisdiction

Section 1401 Merger or Consolidation Incorporated Institutions National Banking Association A Any two or more incorporated institutions other than savings banks and trust companies may in the manner hereinafter provided in this act be merged into one of such incorporated institutions hereinafter designated as the surviving incorporated institution or consolidated into a new incorporated institution to be formed under this act

B Any two or more savings banks the places of business of which are located in the same city borough or township may in the manner hereinafter provided in this act be merged into one of such savings banks hereinafter designated as the surviving savings bank or consolidate into a new savings bank to be formed under this act

C One or more banks or bank and trust companies

and one or more national banking associations incorporated under the laws of the United States may in the manner hereinafter provided in this act be merged into one of such banks or bank and trust companies or consolidated into a new bank or bank and trust company to be formed under this act Such merger or consolidation shall not become effective until the national banking association shall have complied with the laws of the United States relating to such merger or consolidation of national banking associations with banks or bank and trust companies

D Two or more trust companies may in the manner hereinafter provided in this act be merged into one of such trust companies or consolidated into a new trust company to be formed under this act

E Any merger or consolidation authorized by this section shall not be effective if the effect thereof is to establish any branch bank branch office agency sub-office sub-agency or branch place of business in violation of the provisions of this act

Section 1412 Merger Consolidation or Conversion of Banks or Bank and Trust Companies into National Banks One or more banks or bank and trust companies and one or more national banking associations operating under the laws of the United States may pursuant to the laws of the United States be merged into one of such national banking associations or consolidated into a new national banking association operating under the laws of the United States and a bank or bank and trust company may pursuant to the laws of the United States be converted into a national banking association provided that the banks or bank and trust companies participating in such a merger or consolidation and the bank or bank and trust company being converted into a national banking association shall comply with the following requirements established by this section

(1) The plan of merger or consolidation or of conversion has been approved in the manner and after the advertising and notice required by this act in the case of mergers or consolidations of incorporated institutions by at least a majority of all the directors of any bank or bank and trust company participating in such plan and by the holders of two-thirds of its outstanding shares entitled to vote thereon

(2) In the case of any bank and trust company participating in such plan or merger or plan of consolidation or plan of conversion all corporations or persons who appear upon the available books or other records as who are otherwise known to be parties interested in any funds property or investments held by such bank and trust company as trustee guardian executor administrator or other fiduciary under the provisions of this act shall be entitled to the same notice and shall thereupon have the same rights and duties as are provided by this act for corporations or persons in a similar position in the case of a merger or consolidation of incorporated institutions

(3) Whenever a bank and trust company authorized to act as fiduciary in this Commonwealth has heretofore been or shall hereafter be named or appointed trustee guardian executor administrator or other fiduciary such nomination or appointment shall not be deemed to have lapsed by reason of the merger or consolidation of such bank and trust company with a national banking association or the conversion of such bank and trust company into a national banking association pursuant to the provisions of this act providing that such surviving or new national banking association is authorized to act as fiduciary in this Commonwealth but such surviving or new national banking association shall be entitled to act in the same fiduciary capacity under such nomination or appointment as the original bank and trust company could have acted if such merger consolidation or conversion had not been effected

[(3)] (4) All taxes or fees due this Commonwealth or any of the departments or officials of the State government of this Commonwealth shall be paid in full For the purposes of this clause the taxes imposed by the laws of this Commonwealth on such bank or bank and trust company which have not yet become due that is the amount properly apportionable to the part of the tax period which has already elapsed shall be construed to become due upon the date of such merger consolidation or conversion

[(4)] (5) The articles of merger or articles of consolidation or articles of conversion corresponding to the articles of merger or articles of consolidation required by this act in the case of merger or consolidation of incorporated institutions shall be prepared by any bank or bank and trust company participating in the plan of merger consolidation or conversion and filed with the Department of State which shall transmit a copy to the Department of Banking The bank or bank and trust company shall also file with the Department of State the certificate of approval of the merger consolidation or conversion as the case may be by such officer of the United States as may be empowered by law to approve the same The Department of State shall send a copy of such certificate to the Department of Banking

Section 1416 Filing of Articles of Conversion of National Bank into Bank or Bank and Trust Company Payment of Fees Approval by Department of State A The articles of conversion of the national banking association into a bank or a bank and trust company and the proof of publication of the advertisement required by this act shall be delivered to the Department of State

B In addition to any bonus fees taxes and charges provided by law in the case of any corporation the national banking association shall pay to the Department of State such reasonable fees as shall be established by rule or regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to the provisions of this act to determine whether the articles of conversion should be approved Such fee for the investigation by the Department of Banking shall be paid to the Department of State at the time of the filing with it of the articles of conversion and shall be paid by the Department of State through the Department of Revenue to the Banking Department Fund

C The Department of State shall examine such articles of conversion and such proof of publication to determine whether they contain all the information and are in the form required by this act and also whether the name of the proposed bank or bank and trust company as the case may be conforms with the requirements of law for the name of such an incorporated institution or whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the bonus fees taxes and other charges have been paid as required by law if the articles of conversion and the proof of publication contain the information and are in the form required by this act the Department of State shall forthwith but not prior to the day specified in the advertisement of the articles of conversion required by this act endorse its approval upon the articles of conversion and shall forthwith transmit them to the Department of Banking

D If the Department of State shall disapprove the articles of conversion pursuant to this act it shall forthwith give notice thereof to the national banking association stating in detail its reasons for doing so and stating how such national banking association can remedy the non-conformance with the provisions of this act Upon remedying the defect such national banking association may in the same manner file the same or amended articles whichever the particular case may require

Section 1417 Approval by Department of Banking of Articles of Conversion of National Bank into Bank or Bank and Trust Company A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of conversion of a national banking association into a bank or a bank and trust company conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed bank or bank and trust company is likely to mislead the public as to its character or purpose

(2) Whether the conversion is made for legitimate purposes

(3) Whether the interests of the depositors other creditors and shareholders are adequately protected

(4) Whether the proposed bank or bank and trust company meets all the requirements of this act and violates none of its prohibitions applicable to a bank or a bank and trust company as the case may be incorporated under this act

(5) Whether the national banking association has complied with the requirements of the laws of the United States and has been approved by such officer of the United States as may be empowered by law to approve the same

B Within thirty days after the receipt of the articles of conversion from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of conversion it shall sign its approval [upon the triplicate originals It shall then retain one and send the remaining two of] thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of conversion it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the national banking association desiring to become converted into a bank or a bank and trust company of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 1413 Issuance of Certificates of Conversion of National Bank into Bank or Bank and Trust Company Immediately upon receipt of the signed articles of conversion of a national banking association into a bank or bank and trust company from the Department of Banking the Department of State shall file the articles and shall issue to the incorporated institution or its representative a certificate of conversion A copy of the approved articles of conversion shall be sent by the Department of State to the Department of Banking

On the question,

Will the House agree to the bill on third reading?

Mr. SOWERS. Mr. Speaker, I ask that House Bill No. 2123 go over in its order.

Mr. SIMON. Mr. Speaker, may I ask the gentleman from Philadelphia, the purpose of postponing action on this bill?

Mr. SOWERS. Mr. Speaker, we may have an amendment to present tomorrow.

Mr. SIMON. Mr. Speaker, it seems to me that any amendment they had in mind could have been presented before this. The bill has been out for two weeks, reported out of committee and received two amendments and I object to this bill passing over.

Mr. SOWERS. Mr. Speaker, the bill was only laid on the desk today.

Mr. SIMON. But, Mr. Speaker, it was on the desks for the past two weeks.

Mr. SOWERS. Mr. Speaker, I ask that the sponsor of the bill explain his provisions to the House.

The SPEAKER. Will the gentleman from Clinton, Mr. Simon, explain the provisions of the bill?

Mr. SIMON. Mr. Speaker and ladies and gentlemen of the House, there are a lot of provisions to this bill; this is a very long bill; there are very few amendments to this code. If the gentleman from Philadelphia will ask what specific amendment he has in mind I will be very glad to discuss it the best I can.

Mr. SOWERS. Mr. Speaker, how will this bill apply to existing citations out of the Orphans Court?

Mr. SIMON. Mr. Speaker, it will have no effect whatever.

Mr. SOWERS. Mr. Speaker, wouldn't the citation issued against an existing title or trust company become null and void if this bill was passed?

Mr. SIMON. Mr. Speaker, I think not.

Mr. SOWERS. Mr. Speaker, does the gentleman realize what the effect of merger is in corporation law?

Mr. SIMON. Mr. Speaker, no, I cannot say that I do, but I do not believe that it will have anything to do with this bill.

Mr. SOWERS. Mr. Speaker, does the gentleman realize that some estates may suffer loss by reason of merger?

Mr. SIMON. No, Mr. Speaker, I do not think they would. I do not see how they could.

Mr. SOWERS. Mr. Speaker, will the gentleman refer to page sixteen, section fourteen hundred? I didn't want him to read the whole bill; I just wanted him to refer to page sixteen. Now, will the gentleman explain to the House the effect on the present law of the amendment, the figure four, when deposited by a corporation or a person, which are required to be secured by law or an order of the court having jurisdiction?

Mr. SIMON. Mr. Speaker, I do not find that on page sixteen.

Mr. SOWERS. Mr. Speaker, will the gentleman explain to the House what the affiliated companies are?

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shreiner,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Gillette,	Moore,	Spangler,
Barnhardt,	Green,	Moran,	Sproul,
Bernhard,	Greenstein,	Moul,	Stank,
Blumberg,	Habbyshaw,	Muir,	Stevens,
Boose,	Haberlen,	Murrin,	Stewart,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan.	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	VanAllsburg,
Caputo,	Hindman,	Peters,	VanSickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jones,	Reynolds,	Welliver,
Cohen,	Kane,	Rhys,	Welsh,
Coleman,	Kelder,	Rinn,	Westrick,
Condon,	Kelso,	Roan,	White,
Conner,	Kilroy,	Robinson,	Wickersham,
Coolahan,	Kinney,	Ruffennach,	Wilson,
Cordier,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Scanlon,	Wood,
Dent,	Linderman,	Schrock,	Woodside.

Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,	Mallen,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. CAPUTO. Mr. Speaker, I move that the time on House Bill No. 952, Printer's No. 684, entitled:

A Supplement to the act approved the twenty-second day of May one thousand eight hundred ninety-five (Pamphlet Laws ninety-nine) entitled "An act to punish pool-selling receiving and transmitting bets or aiding in pool-selling or betting"

on page 37 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

ADJOURNMENT

Mr. PHILLIPS. Mr. Speaker, I move that this House do now adjourn until tomorrow at 10:00 A. M.

The motion was agreed to, and (at 5.07 P. M.) the House adjourned until Thursday, May 2, 1935, at 10:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

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HOUSE OF REPRESENTATIVES

THURSDAY, May 2, 1935

The House met at 10:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

Rev. Frank W. Ruth, a member of this House, offered the following prayer:

Almighty God, our Heavenly Father, Thou who art our God and our Father, we come to Thee this morning. We thank Thee for this new day of opportunity. We thank Thee for the rain which brings nourishment and strength to the new life that is all about us. So we pray that Thy Holy Spirit may come into our hearts and strengthen and nourish the life and our feeling of brotherhood and love for our fellow men, so that when our work is finished we may look back upon our pathway of life and feel that we have done the best we could.

We ask it in the Master's Name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. LYNCH, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 165. (HOUSE BILL No. 2818).

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by providing for the revocation and denial of hunting licenses for certain acts.

Referred to the Committee on Game.

SENATE BILL No. 212. (HOUSE BILL No. 2819).

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to ratify confirm and validate payments on such contracts by the school district.

Referred to the Committee on Education.

SENATE BILL No. 293. (HOUSE BILL No. 2820).

An Act making an appropriation to the Curtis Clinic Out-Patient Department of the Jefferson Medical College Hospital of Philadelphia Pennsylvania for maintenance.

Referred to the Committee on Appropriations.

SENATE BILL No. 294. (HOUSE BILL No. 2821).

An Act making an appropriation to the Jefferson Medical College of Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 295. (HOUSE BILL No. 2822).

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education.

Referred to the Committee on Appropriations.

SENATE BILL No. 491. (HOUSE BILL No. 2823).

An Act making an appropriation to the Saint John's General Hospital of Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 492. (HOUSE BILL No. 2824).

An Act making an appropriation to the Presbyterian Hospital of Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 734. (HOUSE BILL No. 2825).

An Act making an appropriation to the Allegheny General Hospital, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 809. (HOUSE BILL No. 2826).

An Act making an appropriation to the Children's Home Society of Pennsylvania.

Referred to the Committee on Appropriations.

LEAVE OF ABSENCE

Mr. Ominsky asked and obtained leave of absence for Mr. SHEPARD.

Mr. Piole asked and obtained leave of absence for Mr. STANK.

Mr. Flinchbaugh asked and obtained leave of absence for Mr. MOUL.

REPORTS FROM COMMITTEES

Mr. LONG, from the Committee on Municipal Corporations reported as committed, House Bill No. 2037, entitled:

An Act to amend section eighteen of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred and seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; and methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly."

Mr. Van SICKLE, from the Committee on Public Utilities reported as amended, House Bill No. 1137, entitled:

An Act to fix the time during which bills for service rendered by public service companies shall be payable at a discount, and restricting the right to add and collect penalties except interest where discounts are not allowed in accordance with this act.

Mr. LONGAKER, from the Committee on State Government reported as committed, House Bill No. 2294, entitled:

An Act to further amend paragraph ten of section three hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recoverd of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated propetry and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political Subdivision of the State and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth", by further defining the moneys payable into the State Treasury to the Credit of the Manufacturing Fund.

Mr. ROBINSON, from the Committee on Municipal Corporations reported as committed, House Bill 2317 (Senate Bill No. 609), entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military affairs for limited purposes.

RESOLUTIONS

COMMITTEE TO INVESTIGATE APPLICATIONS FOR WORK RELIEF

Mr. HALUSKA offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was twice read by the Clerk as follows:

In the House of Representatives, May 2, 1935.

Whereas, The policy of the administrators of unemployment relief is to refuse work relief to persons except such as are beneficiaries of direct relief; and

Whereas, Many conscientious citizens refuse to become beneficiaries of direct relief, and even though in want, are thus denied work to which they are entitled; therefore be it

Resolved, (if the Senate concur), That each city, borough, town and township is hereby urged to form a committee or committees which shall sit for the purpose of hearing applications of persons who are in need of employment and who are not receiving direct relief, and also of persons who are receiving direct relief, and who are able to secure part-time employment in industry, which if amplified with work relief would provide sufficient income to enable such persons to forego direct relief;

Resolved, That such committees shall be constituted as follows:

In each city the mayor of the city shall appoint two members of council, and the president of the board of school directors shall appoint two members of the school board, who together with the mayor of the city, shall constitute a committee of five. In any city the committee so constituted may appoint sub-committees composed of one member of the committee of five, and other persons by them selected who, in the public interest, will agree to serve without compensation in order to carry out the spirit and intent of this resolution.

In each borough and town the burgess shall appoint two members of the council and the president of the board of school directors shall appoint two members of the school board, who together with the burgess, shall constitute a committee of five.

In each township of the first class the president of the board of township commissioners shall appoint two township commissioners, and the president of the board of school directors shall appoint two members of the school board, who together with the president of the board of township commissioners, shall constitute a committee of five.

In townships of the second class, the president of the board of school directors shall appoint two members of the school board, who together with the chairman of the board of township supervisors shall constitute a committee of three.

Resolved, That the committees constituted in accordance with this resolution be urged and requested to sit at least one day or one evening each week, to hear applications of persons desiring work relief and who come within the terms of this resolution, and shall have power to issue to persons who are deemed worthy, certificates, furnished by the State Emergency Relief Board, evidencing the belief that the holder thereof is entitled to employment, full time or part time, on any work relief project. No such certificate shall be denied to any person for the reason that he or she is not presently receiving direct relief, and no such certificate shall be issued to any person who in the opinion of any such committee is not entitled to work relief;

Resolved, That the State Emergency Relief Board and its agencies and those entrusted with the employment of persons on work relief projects be directed to cooperate with the committees constituted by this resolution and provide work to the fullest extent for the holders of certificates issued by such committees, and where work is available no such holder of a certificate shall be denied work for the reason that he is not a beneficiary of direct relief, or that he may be employed part time in industry;

Resolved, That no such committee shall hear applications of persons receiving direct relief unless the applicant is able to secure part time employment in industry, and is in need of additional income in order to forego direct relief;

Resolved, That the State Emergency Relief Board shall send such information as may be deemed advisable to each city, borough, town and township in this Commonwealth in order to bring into being the committees contemplated by this act;

Resolved, That a copy of this resolution be transmitted to the State Emergency Relief Board by the Chief Clerk of this House.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk.

RESOLUTION NO. 29

Mr. SOWERS. Mr. Speaker, I desire to call up at this time Resolution No. 29, Printer's No. 917.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, January 22, 1935.

Memorializing the President of the United States and the Congress to approve an Act to fix the minimum age for Old Age Pension or Security at sixty years.

Whereas, Persons now past forty-five years of age find great difficulty in obtaining employment and especially so because labor saving machinery has in effect dispensed with their services in the economic system of production, and

Whereas, It is only right and proper that labor saving machinery having dispensed with their services should in turn bear the taxation necessary to secure to them the right to live, therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania if the Senate concur that the Federal Government be memorialized to fix the minimum age for Old Age Pension at not greater than sixty years, and be it further

Resolved, That copies of this resolution be transmitted by the Speaker and the Chief Clerk of this House to the President of the United States, the Vice-President, and the President of the Senate, and to the Speaker of the House of Representatives, and to all the Senators and Representatives in the Congress of the United States from the Commonwealth of Pennsylvania.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2527, entitled:

An Act providing for special vocational trade industrial and commercial schools and classes in cooperation with school districts and employment reemployment and adjustment offices for the training re-training and instruction of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2576, entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2539, entitled:

An Act to amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and two) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" by adding a new section thereto authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act and providing for the payment of all moneys received thereby into the General Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2356, entitled:

An Act requiring the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to give preference to articles produced manufactured made milled or mined in this Commonwealth regulating bids for contracts and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2250, entitled:

An Act providing for the payment from the General Fund to the Federal Government of certain moneys derived as not profits from Emergency Conservation Projects and lands acquired from the Federal Government

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2302, entitled:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2495, entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and dutes of said department in relation thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2393, entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2541, entitled:

An Act providing that the Pennsylvania Rural Rehabilitation Corporation be recognized and designated as an agency of the Commonwealth to assist in the rehabilitation of individuals and families as self-sustaining citizens and authorizing the various officers boards courts and governing bodies of the Commonwealth engaged in the relief of destitution and unemployment to cooperate with said corporation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1564, entitled:

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred three) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs stuated in different counties which now have or shall hereafter consolidate

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1515, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred and thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by excluding certain brokers and agents

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2558, entitled:

An Act to further amend section two hundred and eighty-five of and to amend a new section to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred and forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act and providing for the payment of all moneys received thereby into the General Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2216, entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred and forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2477, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1738, entitled:

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2804 (Senate Bill No. 1015), entitled:

An Act to amend sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (Pamphlet Laws seven) entitled "An act to enable cities that are now or may hereafter by contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the United territories and the enforcement of debts and claims due to or from each" by requiring a majority vote in each city and in the intervening land voting on the question of consolidation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2314, entitled:

An Act authorizing cities of the second class to issue and sell short term promissory notes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2412, entitled:

An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and projects to provide dwelling accommodations for persons of low income to provide for the creation of such housing authorities to define the powers and duties of housing authorities and to provide for the exercise of such powers including acquiring property by purchase gift or eminent domain and including borrowing money issuing revenue and credit bonds and other obligations and giving security therefor to confer remedies on obligees of housing authorities to provide that the bonds of the authority shall be legal investments to provide that housing authorities their property and securities shall be tax exempt and imposing duties and conferring powers on certain State officers and boards

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1816, entitled:

An Act empowering cities of the first and second classes to levy assess and collect or to provide for the levying assessment and collection of an excise tax against electric light heat and power companies natural gas companies artificial gas companies water companies telephone companies steam heating companies and taxi-cab companies and certain individuals operating taxi-cabs

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2491, entitled:

An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement of other position of funds and and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the state and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended further regulating refunds further regulating the deposits of State moneys and the security therefor and providing additional penalties for late filing of certain reports

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2034, entitled:

An Act to promote public health safety morals and general welfare by providing for the elimination of unsanitary and dangerous housing conditions and the construction and supervision of safe and sanitary dwellings and apartments and for the renting thereof creating a State Housing Authority as a body corporate and politic prescribing and defining its powers and duties including the power to construct purchase lease and operate housing projects and the power to suprevise and regulate certain municipal private and semi-public housing companies and corporations authorizing said Authority to fix within certain limits rentals of housing accommodations constructed under the provisions of this act authorizing said Authority to issue bonds for the financing of its housing projects providing such housing projects are self-supporting and self-liquidating and to enter into agreements with the Government of the United States or any Federal agency granting the right of eminent domain providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2531, entitled:

An Act requiring State-aided medical and surgical hospitals to make certain reports to the General Assembly and denying further aid to a hospital unless such report is made

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2777 (Senate Bill No. 22), entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2513, as follows:

An Act providing for the incorporation as bodies corporate and politic of "Authorities" for counties defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and for other purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be cited as the "Counties Authorities Act of one thousand nine hundred and thirty-five"

Section 2 Definitions The following terms whenever used or referred to in this act shall have the following meanings except in those instances where the context clearly indicates otherwise

(a) The term "Authority" shall mean a body politic and corporate created pursuant to this act

(b) The term "Board" shall mean the governing body of an Authority

(c) The term "bonds" shall mean and include the notes bonds and other evidence of indebtedness or obligations which each Authority is authorized to issue pursuant to Section 4(i) of this act

(d) The term "commissioners" shall mean the board of county commissioners of any county

(e) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(f) The term "county" shall mean any county of the Commonwealth of Pennsylvania

(g) The term "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administrator of Public Works and any department of or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(h) The term "improvement" shall mean and include extension enlargment and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as may be deemed desirable

(i) The term "persons" shall mean and include natural persons

(j) The term "project shall mean any structure facility or undertaking which an Authority is authorized to construct improve maintain or operate under the provisions of this act

Section 3 Method of Incorporation Whenever the county commissioners of any county shall desire to organize an Authority under this act they shall adopt a resolution signifying their intention to do so and setting forth in full the proposed articles of incorporation thereof Thereafter the county commissioners of such county shall cause a notice of such resolution to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county Said notice shall contain a brief statement of the substance of said resolution including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the county shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other authority organized under this act or under the Act approved December twenty-seven one thousand nine hundred and thirty-three Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen is in existence in or for the incorporating county

(d) The name of the incorporating county together with the names and addresses of its commissioners and the chief clerk of the board of county commissioners and

(e) The names addresses and terms of office of the first members of the board of said Authority

all of which matters shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating county by its commissioners and under its county seal and shall be acknowledged on behalf of such county by its commissioners

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

No Authority shall be formed in any county in which an Authority which shall have been organized under this act or under the Act approved December twenty-seven one thousand nine hundred and thirty-three Special Session one thousand nine hundred thirty-three Pamphlet Laws one hundred fourteen shall be in existence

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of constructing improving maintaining and operating bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities sewers sewer systems sewage treatment works swimming pools lakes and other related structures or facilities for public use and benefit or parts thereof (any and all the foregoing being herein called "projects") and every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual succession as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reason-

al rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

provided however that the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any of its counties or other political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its counties or political subivisions nor shall the Commonwealth of Pennsylvania or any county or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 5 Purposes and Powers Bond The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof and shall be of such series bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per cent per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability provileges be payable in such medium of payment and at such place or places be subject to such terms of redemption not exceeding one hundred five per cent of the principal amount thereof and be entitled to such priorities in the revenues or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupon or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth of Pennsylvania or any county or other political subdivision thereof) for such obligations or restricting the saem to all or any of the revenues of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of the project and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls and other charges for use of the facilities of or for the services rendered by the Authority (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

An Authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the Authority thereunder Such deed or trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any project and the duties of the Authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorder may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustees of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things

which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five perecentum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facilities of the Authority or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the Board might do any shall deposit all such moneys in a separate account and apply the same in such manner as the court shal direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursments allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Section 7 Governing Body The powers of each Authority shall be exercised by a governing body (herein called the "Board") of five members each of whom shall be a citizen of the county for which the Authority is created The commisioners of such county shall appoint the members of the Board one of whom shall serve for a year one for two years one for three years one for four years and one for five years from the January first next succeeding the date of incorporation Thereafter the commissioners shall at a meeting held at least a month prior to January first in each year in which a vacancy occurs appoint as a member of the Board a citizen of the county for which the Authority is created for a term of five years to succeed the member whose term expires on the January first next succeeding Members may succeed themselves and shall receive salaries as may be determined by th salary board of the county but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed provided that in counties having no salary such salaries shall be fixed by the county commissioners and the controller A member may be removed by the commissioners upon ten days' notice after giving him a copy of the charges against him and an opportunity to be heard in his own defense If a vacancy shall occur by reason of the death disqualification resignation or removal of a member the commissioners shall appoint a successor to fill his unexpired term

Three members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The Board shall fix and determine the nummber of officers aegnts and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the county having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorizd and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems sewage treatment works lakes or other related structures or facilities or any part or parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project

Section 10 Completion in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The Board may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or surities approved by the Authority and in an amount fixed by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by and Federal agency that may assist in the financing of such project or any part thereof

Section 11 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title in-

terest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act and such lands or interest in such lands may be so acquired whether or not the same are owned or held for public use by corporations associations or persons having the power or eminent domain or otherwise held or used for public purposes including land held for cemetery purposes The right or eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by counties of the same class as the county by which such Authority was organized

Section 12 Use of Projects The use of the facilities of the Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Authority Provided however That the Authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the Authority or violate any agreements with them or for their benefit

Section 13 Limitation of Powers The Commonwealth does hereby pledge to and agree with any person firm or corporation or Federal agency subscribing to or acquiring the bonds to be issued by the Authority for the construction extension improvement or enlargement of any project or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth of Pennsylvania does further pledge to and agree with the United States and any other Federal agency that in the event that any Federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any project or any portion thereof the Commonwealth will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the Authority and any such Federal agency and the Authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof

Section 14 Termination of Authority When any Authority shall have finally paid and discharged all bonds which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the county When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against it it may convey all its property to the county and terminate its existence A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Comonwealth who if he approve shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the Board which shall cause the same to be recorded in the office of the recorder of deeds of the county Thereupon the property of said Authority shall pass to the county and the Authority shall cease to exist

Section 15 Exemption from Taxation The effectuation of the authorized purposes of Authorities created under this act and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since such Authorities will be performing essential governmental functions in effectuating such purposes such Authorities shall not be required to pay any taxes or assessments upon any property acquired or used by them for such purposes and the bonds issued by any Authority their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania

Section 16 Authorities Formed Under Other Acts Any Authority heretofore or hereafter created or organized under the provisions of an act approved December twenty-seven one thousand nine hundred thirty-three entitled "An act providing for the creation of public 'Authorities' in counties of the second class authorizing such 'Authorities' to enter into agreements with the Government of the United States particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with other defining and providing for the organization and dissolution of such 'Authorities' conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such 'Authorities' may exercise their powers endowing such 'Authorities' with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such 'Authorities' to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes" shall have and may exercise in addition to any rights powers or purposes granted or conferred by such act or any amendment thereto all the rights and powers granted to Authorities created under this act and the purposes specified in Section four of this act shall be included within the purposes of any Authority created or organized under the provisions of the aforesaid act and the rights powers and purposes herein described and conferred upon Authorities shall be cumulative with and not in limitation of the rights powers and purposes granted to or conferred upon such Authorities by any other act

Section 17 Constitutional Construction The provisions of this act shall be severable and if any of the provisions thereof shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 18 This act shall take effect immediately

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 910, as follows:

An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred nine) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred nine) entitled "An act relating to damages for injuries producing death" as amended by section one of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred seventy-eight) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the persons entitled to recover damages for any injuries causing death shall be the husband widow children or parents of the deceased and no other relatives and that such husband widow children or parents of the deceased shall be entitled to recover whether he she or they be citizens or residents of the Commonwealth of Pennsylvania or citizens or residents of any other State or place subject to the jurisdiction of the United States or of any foreign county or subjects of any foreign potentage and the sum recovered shall go to them in the

proportion they would take his or her personal estate in case of intestacy and that without liability to creditors under the laws of the Commonwealth If none of the above is left to survive the decedent then the personal representative shall be entitled to recover damages for hospital nursing medical funeral expenses and expenses of administration necessitated by reason of injuries causing death

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1869, as follows:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements defining the powers and duties of the Department of Highways and the Water and Power Resources Board authorizing political subdivisions persons copartnerships associations corporations and the Board of Fish Commissioners to contribute to the cost of the construction maintenance and repair of any such dam providing for acceptance by agencies of the Commonwealth of gifts and lease of lands and making appropriations from the Motor License Fund and the Fish Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Highways is hereby authorized and empowered with the consent of the Governor and the approval of the Water and Power Resources Board in the construction of State highways bridges and culverts to construct slack water dams so as to create reservoirs dams water parks lakes or other incidental works to conserve the water supply of the Commonwealth and to provide waters for public fishing and recreational purposes

Section 2 The Water and Power Resources Board in cooperation with the Department of Highways shall have power to make such surveys and to prepare such plans and estimates as may be deemed necessary for the construction of such slack water dams in conjunction with any highway bridge or culvert improvement

Section 3 Any political subdivision of the Commonwealth and any person copartnership association or corporation may petition the Department of Highways to construct any such slack water dam in connection with any highway bridge or culvert improvement and the Department may enter into any agreement whereby a political subdivision person association copartnership or corporation agrees to bear a just proportion of the extra cost involved in the construction of any such slack water dam and its subsequent maintenance Such agreements shall set forth the rights of the parties to the agreement and the public with respect to the use of such dams Any political subdivision shall have power to enter into such an agreement and to expend public moneys for such purposes All moneys contributed for such purposes shall be paid into the Motor License Fund

Section 4 The Water and Power Resources Board shall have supervision over such slack water dams and shall have power to make orders for the proper maintenance and repair of the same and to supervise the making of any repairs and to make a proper allocation of the cost of any such repairs against the Commonwealth and the party to any agreement for the construction of any such dam

Section 5 The Board of Fish Commissioners shall have power to contribute reasonable sums from the Fish Fund to aid in the construction maintenance and repair of any such slack water dam if public fishing therein shall be permitted and shall have power to stock any such dam with suitable species of fish Any moneys in the Fish Fund are hereby appropriated for such purposes

Section 6 The Department of Highways shall with the approval of the Governor have power to expend moneys from the Motor License Fund in the construction maintenance and repair of any such slack water dam where the same is deemed a public benefit and the amount expended on the construction of such dam and its subsequent maintenance and repair from the Motor License Fund does not increase excessively the amount which would be expended by the Department in such highway bridge or culvert improvement and its subsequent maintenance and repair without the construction of such slack water dam Any moneys in the Motor License Fund are hereby appropriated for such purposes

Section 7 The Department of Highways the Water and Power Resources Board and the Board of Fish Commissioners shall have power to acquire by gift or lease suitable lands for slack water dams to be constructed under the provisions of this act to conserve the water supply of the State and to provide recreational and fishing areas

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2663, as follows:

An Act to amend section four hundred and three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring insurance companies of another State or a foreign country to file with the Department of Revenue a list of its policyholders resident in this Commonweolth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" is hereby amended to read as follows

Section 403 Return of Securities by State Treasurer Upon request of any company association or exchange organized under the laws of this Commonwealth making the deposit the Insurance Commissioner may authorize the State Treasurer to return such company association or exchange the whole or any portion of the securities held by him on deposit if the Insurance Commissioner shall be satisfied that the securities so asked to be returned are subject to no liability and are not required to be longer held by any provision of law or for the purpose of the original deposit He may in like manner return to the trustees or other representatives authorized for that purpose of an insurance company or association of a foreign government any deposit made by such company if it shall appear that such company or association has ceased to do

business in this Commonwealth and is under no obligation to policyholders or other persons in this Commonwealth or in the United States for whose benefit such deposit was made Provided however That he shall not return any such securities theretofore deposited with him under the terms of this act to any insurance company ceasing to do business within this Commonwealth unless such insurance company shall file with the Department of Revenue a list of all its policyholders resident in this Commonwealth No deposit when once made shall be wholly withdrawn or diminished so long as any liability to policyholders remains unsatisfied except in case of dissolution by a court or udge of any company association or exchange making the deposit in which case the State Treasurer shall upon the written order of said court or judge assign and transfer to the receiver duly appointed all securities or funds in his possession belonging to the company association or exchange

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2664, as follows:

An Act to amend section one of the act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws seven hundred and twenty-three) entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth providing the method of collection of such tax and imposing penalties" by extending the act to include the payment of premiums to foreign insurance companies ceasing to be registered with the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the sixth day of July one thousand nine hundred and seventen (Pamphlet Laws seven hundred and twenty-three) entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth providing the method of collection of such tax and imposing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person corporation copartnership or association enters into any contract of insurance or reinsurance of any kind with any insurance company or association of another State or of a foreign country [not registered or entitled to do business in this Commonwealth] such person corporation copartnership or association shall at the time of making such contracts and at the time of making any periodical payment on account of premiums if such insurance company or association is not registered or entitled to do business in this Commonwealth deduct from all premiums on such insurance or reinsurance a per centum thereof equal to the per centum tax imposed on the premiums of insurance companies and associations of other States and of foreign countries that are registered and entitled to do business in this Commonwealth and shall forthwith pay such amount into the State Treasury

Any person corporation copartnership or association failing to make such deduction and payment into the State Treasury shall be liable for the amount of such per annum to be collected in the same manner as other taxes of the Commonwealth are collected

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2525, entitled:

An Act to further amend sections one hundred two five hundred eleven five hundred twelve and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle imposing cancellation fee and exempting certain persons from special hauling permimt fees and revising existing regulations relative to permits for excessive size and weight

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one hundred two five hundred eleven and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five) entitled "An act relating and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second of June one thousand nine hundred thirty-one (Pamphlet Laws eight hundred fifteen) are hereby further amended to read as follows

Section 102 Definitions

The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a diffrent meaning

"Cleat" Any projection block stud flange or any other protuberance of any material other than rubber which projects beyond the outside surface of the periphery of the wheels of a tractor

"Dealer" Any person firm or association engaged in the business of manufacturing or in the purchase and sale of tractors or trailers and who has an established place of business

"Department" The Department of Revenue of this Commonwealth

"Guide Band" Any flange affixed to the center line of the outside surface of the periphery of the front or guiding wheels of a tractor

"Highway" Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons colleges universities or other institutions

"Magistrate" A mayor burgess magistrate alderman justice of the peace or other officer having the powers of a committing magistrate

"Operator" Every person who is in actual physical control of a tractor

"Operator's License" The license issued to any person to operate a tractor

"Owner" A person who is the legal owner of a tractor or trailer or in the event the tractor or trailer is subject to an agreement for the conditional sale or lease thereof or other like agreement with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested by the conditional vendee or lessee shall be deemed the owner for the purpose of this act

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania State Police State Highway Patrolman or other police officer vested with authority of arrest

"Person" Every natural person firm copartnership association or corporation

"Secretary" The Secretary of Revenue of this Commonwealth

"State" A State territory organized or unorganized or district of the United States of America

"Trailer" Every vehicle wagon or truck drawn by a tractor for hauling material or freight of any kind excepting water and fuel tanks roadgraders stone-crushers sawmills concrete mixers and agricultural equipment not self-propelled

"Tractor" Every vehicle of the tractor type which is self-propelled excepting power shovels road rollers concrete mixers ditch diggers or vehicles used exclusively upon stationary rails or tracks provided That for the purpose of sections six hundred and seven (a) six hundred and seven (c) six hundred and eight (a) six hundred and ten and six hundred and twelve of this act power shovels road rollers concrete mixers and other equipment exempt from registration under article two of this act moved over any highway under their own power shall be deemed a tractor

"Vehicle" Every device in upon or by which any person or property is or may be transported or drawn or which may draw devices upon a highway excepting devices used exclusively upon stationary rails or tracks provided That for the purpose of sections five hundred and eleven and five hundred and twelve (d) of this act power shovels road rollers concrete mixers and other equipment exempt from registration under article two of this act moved over any highway under their own power shall be deemed a vehicle

Section 511 Special Hauling Permits

The fee for a special hauling permit shall be five ($5) dollars [and] plus two ($0.02) cents [per] for each ton of two thousand (2,000) pounds or fraction thereof of gross weight of vehicle or combination of vehicles or vehicle and load or combination of vehicles and their load or loads for each mile or fraction thereof of length of haul payable to the authorities issuing such permit The fee for canceling an unused special hauling permit shall be one ($1) dollar payable to and upon the approval of the authorities issuing the permit

Section 610 Permits for Excessive Size and Weight

The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may at their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a tractor or trailer or a combination of both with or without load or loads of a size [and] or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules [and] regulations [and any other] conditions or restrictions [including] as shall be deemed necessary by the authority granting such permit The movement of any vehicle or load requiring a permit shall impose the obligation on the [part of the] permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not [the same was] such damage may be attributable to negligence on the part of the permittee [as shall be] [deemed necessary by the authorities granting such permit] Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways of this Commonwealth or to any person having collision with or suffering injury from such [the] tractor or trailer

Penalty Any person operating or moving a tractor or trailer and its load of a size or weight exceeding the maximum specified in this act without first having obtained a permit or permits so to do shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

On the question,

Will the House agree to the section?

Mr. DIEHL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 4, by inserting after the word "eleven" the following: "five hundred twelve."

Amend sec. 1, page 4, line 24, by striking out the word "Seceretary" and inserting in lieu thereof the following: "Secretary."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agreed to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Section five hundred twelve of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five) is hereby amended to read as follows

Section 512 Exemptions From Fees

(a) No fee shall be charged for the registration of tractors and trailers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of the Commonwealth (e) hospital or any duly authorized volunteer fire force but all such vehicles except those owned and used by the Federal Government shall be registered and shall display registration plates as this act provides for privately owned tractors and trailers

(b) No fee shall be required for replacement or substitution of registration card registration plate or operator's licenses when satisfactory proof is furnished the secretary of loss of same in the mails

(c) No fee shall be charged for certified copy or certified photostat copy of any department record furnished to Federal State county or municipal authorities

(d) No fee shall be charged for special hauling permits issued to this Commonwealth or any city borough incorporated town township county poor or school district of this Commonwealth or anyone entitled to exemption from fees under section five hundred and twelve (a) of this act or to anyone hauling equipment or materials for

use on a Federal or State Emergency Relief Project

(e) No fee shall be required for transfer of registration for the succeeding year when such transfer has been received and completed by the department prior to January first of such succeeding year

On the question,

Will the House agree to the section?

Mr. DIEHL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 7, lines 14, 15, 16, and 17, by striking out the entire said lines.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 This act shall become effective immediately upon its passage and approval by the Governor

On the question,

Will the House agree to the section?

Mr. DIEHL. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 8, line 19, by striking out the figure "3" and inserting in lieu thereof the following: "2"

On the question?

Will the House agree to the amendment?

It was agreed to.

On the question?

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend sections one hundred two five hundred eleven five hundred twelve and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailors and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailors providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailors imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle imposing cancellation fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 700, as follows:

An Act to amend section one of the act approved the twenty-first day of April one thousand eight hundred and forty-six (P. L. 416) entitled "A supplement to the act 'An act relating to roads highways and bridges'" providing for the vacation of certain roads used and maintained as public roads where the records fail to show how such roads were created or became public roads

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-first day of April one thousand eight hundred and forty-six (P. L. 416) entitled "A supplement to the act 'An Act relating to roads highways and bridges'" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the powers of the courts of quarter sessions of this Commonwealth to vacate public and private roads [are hereby extended] shall apply to all roads whether laid out by authority of law or existing by prescription or lapse of time and to all roads which have been used by the public for twenty-one years or more and which have been maintained by the supervisors of the townships in which said roads are located although the records of the county in which said roads are located do not show how said roads were originally created or became public roads and generally to all roads except private roads resting upon express grant the evidence of which is still in existence excepting in such counties as the power to lay out and vacate public roads is or may be vested in some other tribunal than in the court of quarter sessions of the peace excepting also roads laid out by act of assembly and are expressly exempted from the jurisdiction of said courts

And said bill having been read at length the second time, and agreed to,

Ordered, To be laid aside for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 894, as follows:

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further regulating the jurisdiction of the courts in divorce actions

Section 7 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 15 Jurisdiction The several courts of common pleas of this Commonwealth shall have original jurisdiction of cases of divorce from the bonds of matrimony from bed and board and in the annulment of marriages under the provisions of this act The said courts shall have power to grant divorces and to annul marriages notwithstanding the fact that the marriage of the parties and the cause for divorce occurred outside of this Commonwealth and that both parties were at the time of the occurrence of

said cause domiciled without this Commonwealth and that the respondent has been served with the subpoena only by publication as provided by this act

All petitions or libels for divorce shall be exhibited to the court of the county where [the libellane resides except where the husband and wife shall be resident in different counties of this Commonwealth and while so resident a cause of divorce shall arise in which cases the libellant may at his or her option institute and prosecute proceedings either in the county of his or her own residence or in the county wherein the respondent shall be resident and the cause for divorce shall have arisen] either libellant or respondent resides

Petitions or libels for the annulment of [bigamous] void or voidable marriages may be exhibited to the court of common pleas of the county where the marriage was contracted or in the county where either the libellant or respondent resides and in such cases residence of the libellant within the county or State for any period shall not be required

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreealby to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2661, entitled:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by imposing the tax upon manufacturers selling goods wares and merchandise from the place of manufacture and upon certain venders or dealers heretofore exempt clarifying the provisions relating to appeals and repealing inconsistent acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1151) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act each retail vender of or retail dealer in goods wares and merchandise shall pay an annual mercantile license tax of two dollars and all persons so engaged shall pay one mill additional on each dollar of the whole volume gross of business transacted annually Each wholesale vendor of or wholesale dealer in goods wares and merchandise shall pay an annual mercantile license tax of three dollars and all persons so engaged shall pay one-half mill additional on each dollar of the whole volume gross of business transacted annually [Provided That the provisions of this section shall not apply to the taxation for mercantile license purposes of wholesale venders or wholesale dealers so engaged in the business of the processing and curing of meats their products and by-products or retail venders or retail dealers engaged in compounding and dispensing medicines on prescriptions of physicians but every wholesale vender or wholesale dealer so engaged and every such retail vender or retail dealer so engaged shall pay the mercantile license tax hrein imposed upon such proportion of its business if any which is not strictly incident or appurtenant to the processing and curing of meats their products and by-products or the compounding and dispensing of medicines on prescriptions of physicians as the case may be it being the object of this proviso to relieve from the mercantile license tax only so much of the whole volume gross of business transacted annually by wholesale venders or dealers as is realized from the processing and curing of meats their products and by-products and so much as is realized from the compounding and dispensing of medicines on prescriptions of physicians by retail venders or dealers] Each dealer in or vender of goods wares or merchandise at any exchange or board of trade shall pay a mercantile license tax of twenty-five cents on each thousand dollars worth gross of goods so sold Any manufacturer selling goods wares and merchandise of his own manufacture from the place of manufacture shall be taxable under this act as either a wholesaler or a retailer as hereinafter defined by section two of this act

On the question,

Will the House agree to the section?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 19, by striking out with heavy-faced brackets the light-faced bracket before the word "Provided."

Amend Sec. 1, page 2, line 21, by placing a light-faced bracket before the word "wholesale as follows: "["

Amend Sec. 1, page 2, line 24, by placing a light-faced bracket after the words "by-products or" as follows: "]"

Amend Sec. 1, page 2, line 26, by placing a light-faced bracket before the word "but" as follows: "["

Amend Sec. 1, page 2, line 27, by placing a light-faced bracket after the word "engaged" as follows: "["

Amend Sec. 1, page 2, line 29, by striking out with heavy-faced brackets the light-faced bracket after the word "which"

Amend Sec. 1, page, line 1, by striking out with heavy-faced brackets the light-faced bracket before the word "is"

Amend Sec. 1, page 3, line 1, by placing a light-faced bracket before the word "the" as follows: "["

Amend Sec. 1, page 3, line 2, by placing a light-faced bracket after the word "or" as follows: "]"

Amend Sec. 1, page 3, line 4, by placing light-faced brackets before and after the words "as the case may be"

Amend Sec. 1, page 3, line 7, by placing light-faced brackets before and after the word "wholesale"

Amend Sec. 1, page 3, line 8, by placing a light-faced bracket before the word "the" as follows: "["

Amend Sec. 1, page 3, line 9, by placing a light-faced bracket after the word "realized" as follows: "]"

Amend Sec. 1, page 3, line 11, by striking out with heavyfaced brackets the light-faced bracket after the word "dealers"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

Ie was agreed to.

The second, third, fourth and fifth sections and the title were separately read and agreed to as follows:

Section 2 That section six of said act as last amended by the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred eighty-one) is hereby further amended to read as follows

Section 6 It shall be the duty of each mercantile appraiser appointed under the provisions of this act to forward by mail at least ten days prior to the date when he makes a personal visit to the place of business of every person whom he is required by law to ascertain and assess a blank prepared for distribution by the Department of Revenue as hereinbefore provided It shall

be the further duty of the mercantile appraisers after mailing the blank as hereinbefore provided in the several cities and counties of this State personally to visit the store or other place of business of every vender of or dealer in goods wares and merchandise and at the time of such visit to require each vender or dealer to make a return under oath or affirmation of the goods sold for the preceding calendar year on the blank forwarded and he is hereby empowered to administer an oath or affirmation for that purpose If the mercantile appraiser is dissatisfied with the return so made by the vender or dealer he shall ascertain and assess the merchantile license tax according to the classification so made He shall also leave a written or printed notice to be prepared and furnished by the Department of Revenue specifying the classification and amount of license money to be paid by such person to this State and also the time and place when and where an appeal will be held as required by law The appeal shall be held by the county treasurer acting in conjunction with the mercantile appraiser at such date as shall conform with law in all counties except where there is a board of mercantile appraisers in which case the board shall hear all appeals Any vender or dealer subject to the provisions of this act who is dissatisfied with the [rating] assessment so made by the mercantile appraiser shall have the right of appeal to the mercantile appraiser and county treasurer who are required to hear him on the day so fixed for the appeal if the vender or dealer is still dissatisfied with the finding fo the county treasurer and mercantile appraiser or board of appraisers [in reference to the proper classification of said vender or dealer] he shall have the right of appeal to the court of common pleas of the proper county which appeal the said court is required to hear and determine within twenty days after such appeal shall be taken or at the next sitting thereof If any person fails to attend the appeal before the county treasurer and mercantile appraiser board of appraisers or the court he shall not hereafter be permitted in a suit for the recovery of said mercantile license tax to set up as a defense either that he is not a vender of or dealer in goods wares or merchandise or any other ground of defense which might have been heard and determined either by said county treasurer and mercantile appraiser board of appraisers or the court of common pleas on appeal as aforesaid

Section 3 The following acts and parts of acts are hereby specifically repealed

Section eleven of the act approved the twenty-second day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred eighty-six) entitled "An act to provide for the reduction of the public debt"

The act approved the twenty-seventh day of February one thousand eight hundred and sixty-eight (Pamphlet Laws forty-three) entitled "An act to declare the true intent and meaning of the eleventh section of an act to provide for the reduction of the public debt approved April twenty-second Anno Domini one thousand eight hundred and forty-six"

The act approved the ninth day of April one thousand eight hundred and seventy (Pamphlet Laws fifty-nine) entitled "A supplement to an act entitled 'An act to provide for the reduction of the public debt' approved the twenty-second day of April Anno Domini one thousand eight hundred and forty-six"

Section 4 All other acts and parts of acts inconsistent with this act are repealed

Section 5 This act shall become effective immediately upon its final enactment and shall apply to all licenses procured on or after the first day of July one thousand nine hundred and thirty-five

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by imposing the tax upon manufactures selling goods wares and merchandise fro mthe place of manufacture and upon certain venders or dealers heretofore exempt clarifying the provisions relating to appeals and repealing inconsistent acts

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1903, as follows:

An Act providing for the assessment of costs and expenses of owners and tenants of property which it has been proposed to condemn under the right of eminent domain when the proposed condemnation has been rescinded or abandoned

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any proceeding due to the exercise of right of eminent domain where any board of view has filed a report and the proposed condemmnation has been rescinded or abandoned the report shall be again referred to the same board of view which shall proceed to take evidence and to file an amended report awarding to the claimants who have appeared before it in the proceeding such reasonable proper and necessary expenses and costs as they may have incurred in the presentation of their claims as such board of view may find to be just and proper Upon the filing of such amended report the city or any partly-claimant may within thirty (30) days appeal to the court of common pleas from any award or refusal to award damages shown therein As to any claims or awards from which no appeal is taken within said thirty (30) days the court shall confirm the report and the findings thereof absolute Any appeals shall be filed and tried in the same manner as appeals from awards of damages for the taking of real estate

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2336, as follows:

An Act relating to the admissibility in evidence of the sale price of property in the vicinity of land taken in eminent domain proceedings under certain conditions and regulating procedure for ascertaining these conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the trial of any claim for damages or objection to benefits in eminent domain proceedings either party may prove by competent evidence the sale price of lands or properties in the vicinity provided that (a) such sale was an open market transaction between a willing vendor and a willing purchaser (b) was within a reasonable time of the date fixed by law for determining the value of the land taken (c) was a sale for cash or cash and encumbrances secured on the land or property and not an exchange of properties and (d) was of land or property similar in character or near to the land to be valued Such elements shall be established by examination and cross examination of the witness who is to testify to the amount of such sale and the admissibility of the evidence of such sale price under the foregoing conditions shall then be ruled upon by the trial judge before such sale price becomes admissible in evidence and exception may be taken to such ruling by either party

Section 2 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2067, as follows:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as last amended by the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (P. L. 431) be and the same is hereby further amended to read as follows

Section 311 (a) Any person mentally defective may be placed and detained in a proper State or licensed school for mental defectives by order of the court of common pleas or other court of record or the juvenile court of the county in which such person is or resides upon the sworn or affirmed petition of any parent guardian or other responsible person addressed to the said court praying that the said person may be placed therein The said petition must be accompanied by a sworn or affirmed certificate of two qualified physicians that it is their opinion that the said person is mentally defective and a proper subject for commitment to a school for mental defectives in the said certificate the physicians shall further state the facts of their own observation and any other information upon which his said opinion is based It shall be in other respects in form similar to that prescribed by the department for the admission of persons mentally ill to a hospital for mental diseases

The said petition shall be in form prescribed by the department and shall state the name sex age and residence of the person alleged to be mentally defective the opinion of the petitioner that the said person is mentally defective and such other facts as may be required by the department if the facts or any of them are unknown to the petitioner it shall be so stated in the petition

Thereupon the said court or a judge thereof shall in his discretion appoint a day for a hearing of thes aid petition and if he shall appoint a day for a hearing he shall cause notice to be given to the proper parties in interest and in his discretion he may or may not require the presence of the alleged mentally defective person at said hearing If it shall be made to appear to the said court or judge that the said person is mentally defective and a proper subject for commitment to a school for mental defectives and that the best interests of the said person or the safety and welfare of the public require such commitment the court shall make an order committing such mentally defective person to the school named in the petition and direct his removal thereto by a proper officer or person but before any person shall be admitted under the provisions of this section to any school for mental defectives the consent of the managers trustees or superintendent there of to such admission shall have been obtained

At the said hearing the said court or judge shall inquire as to the estate of such mentally defective person and if the same be sufficient for the purpose shall make an order directing the payment therefrom of the cost of clothing and other support of such mentally defective person in said school otherwise that such payment be made by the husband or parent of such mentally defective person if it appear that the circumstances of such husband or parent are such as to make such an order proper and advisable Where the estate of said mentally defective person is insufficient and the circumstances of said husband or parent are not such as to warrant such an order for the payment of clothing and other support [or either of them] the expense of clothing of said mentally defective person shall be paid for by the said county in which such mentally defective person resides and all other support shall be provided for by the Commonwealth at such per capita rates as shall be appropriated by the Legislature on the application of the trustees or managers of the said school after submission of the same to and approval by the department

When any mentally defective person shall have been committed to any school under the provisions of this subsection by a juvenile court the managers or superintendent of said school have authority to detain such person after he shall have reached the age of twenty-one years and thereafter in the discretion of said managers or superintendent such person may be discharged or allowed a leave of absence upon order of the court of common pleas or other court of record or a judge thereof of the county in which the said commitment was made

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2263 (Senate Bill No. 783), entitled:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any city of the third class has in good faith issued bonds or other obligations for the payment of the costs of a public improvement on the assumption that such bonds were not debts of the municipality within the meaning and intent of article nine section eight of the Constitution for the reason that such bonds or obligations were to be secured or are to be secured by assessments against property benefitted by such improvement and were to rest alone for their security upon payment of such assessments such cities are hereby authorized to appropriate moneys out of the general revenues for the purpose of calling in and paying such bonds in their order of priority notwithstanding the fact that the corporate authorities of the city failed either in whole or in part to comply with the laws of the Commonwealth providing the method of incurring and increasing its indebtedness Provided however That the amounts appropriated from time to time be left within the discretion of the proper city authorities

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the scond reading and consideration of House Bill No. 1875, as follows:

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction alteration or repairs of any public work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulation are violated and for the recovery of such penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the specifications upon which contracts are entered into by any county city borough town township school district and poor district for the construction alteration or repairs of any public work or improvement may at the option of any such political subdivision contain the minimum wage or wages which may be paid by the contractor or his sub-contractors for the work performed by laborers and mechanics employed on such public work or improvement and such laborers and mechanics shall be paid not less than such minimum wage or wages

Section 2 Every contract for the construction alteration or repair of any public work or improvement founded on specification containing any such stipulation for minimum wage or wages shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications

Section 3 Every officer or person designated as an inspector of or having supervision over the work to be performed under any such contract in order to aid in enforcing the fulfillment thereof shall upon observation or investigation report to the corporate authorities of the political subdivision or agency thereof which let the contract all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications and the day or days of such violation

Section 4 All such penalties shall be withheld and deducted for the use of the political subdivision from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his sub-contractors

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2497, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing the limiting of the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts by providing for the licensing of secretaries of building and loan associations by the Department of Banking

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two hundred two of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing crtain acts and parts of acts" is hereby amended to read as follows

Section 202 General Scope of Supervision Exercises of Discretion Granting of License A In addition to the powers and duties provided for in this act the department shall exercise any power and fulfill any duty imposed upon it by any other law of this Commonwealth Except where otherwise specifically provided the department shall enforce and administer all laws of this Commonwealth which relate to any institution and shall exercise such general supervision over institutions as will afford the greatest possible safety to depositors other creditors and shareholders thereof

B Whenever under this act discretion is vested in the department as to whether or the manner in which to exercise a power or fulfill a duty the department shall after such examination or investigation as it shall deem appropriate under the circumstances take such action as it deems to the best interests of the depositors other creditors and shareholders of such institution

C It shall be the duty of the department upon the payment of the license fees required by this section to issue licenses to secretaries of building and loan associations who shall be duly qualified under and shall comply with the provisions of this act

Applications for licenses as secretaries of building and loan associations shall be made in writing to the department upon a blank provided for the purpose by the department and shall contain such information as to the applicant as the department shall require The applica-

tion shall be signed under oath or affirmation by the applicant and shall be accompanied by the recommendation of at least two citizens not related to the applicant who shall be owners of real estate within and residents of the county in which the applicant resides certifying as to the honesty truthfulness and good repute of the applicant and recommending that a license be granted to the applicant If the applicant shall have resided for less than one year in the county from which the application is made such application shall also be accompanied by the recommendation of at least two real estate owners not related to the applicant of each the counties where the applicant has formerly resided during the said period of one year prior to the filing of such application certifying to the honesty truthfulness and good repute of the applicant and recommending that the license be granted

No person shall be licensed as a secretary of a building and loan association by the department unless such person shall first submit to and pass an examination conducted by the department The department shall hold examinations at such times and at such places and under such rules and regulations as the department may prescribe

An individual may apply for and receive from the department a temporary permit to act as secretary of a building and loan association until the next regular examination but not more than two successive temporary permits shall be issued to any individual Any individual who fails to pass the examination at two successive examinations shall be ineligible for a similar examination until after the expiration of one full year from the time such individual took the last examination A fee of ten ($10) dollars shall accompany each application and in the event that the applicant successfully passes the examination no additional fee shall be required for the issuance of the license

The department may investigate any action of any licensed secretary and shall have the power temporarily to suspend or permanently to revoke licenses at any time when after due proceedings it shall find the holder thereof to have been guilty of knowingly making any substantial misrepresentation or of violating any of the laws relating to building and loan associations or of any other conduct whether of the same or of a different character than that hereinbefore specified which shall constitute a tort or when it shall be shown that the licensee within five years prior to the issuance of the license then in force was convicted in a court of competent jurisdiction of this or any other State of forgery embezzlement obtaining money under false pretenses extortion conspiracy to defraud or other like offense or offenses

Before refusing suspending or revoking any license the department shall in writing notify the applicant or licensee of the reasons therefor and the department shall afford the applicant or licensee ample opportunity to be heard thereon in person or by counsel If the applicant or licensee shall so desire the department shall grant him a hearing upon such charges to be held before the department and the Department of Justice At such hearing the applicant or licensee shall be entitled to examine either in person or by counsel any and all persons complaining against him as well as all other witnesses whose testimony is relied upon to substantiate any charges made The applicant shall also be entitled to present such evidence oral or written as he may see fit and as may be pertinent to the inquiry At such hearing all witnesses shall be duly sworn and stenographic notes of the proceedings shall be taken and filed as part of the record in the cause Any party to the proceeding desiring it shall be furnished with a copy of such stenographic notes upon the payment to the department of such fee as it shall by general rule or regulation prescribe therefor not exceeding however twenty-five cents per folio

The decision of the department in refusing suspending or revoking any license issued under this section shall be subject to review by the court of common pleas of Dauphin County upon petition for writ of mandamus or other appropriate remedy with the right of appeal to the applicant as in other similar cases

In the event that any licensee shall be convicted in this or any other State of forgery embezzlement obtaining money under false pretenses extortion criminal conspiracy to defraud or other like offense or offenses and a certified copy of the indictment be filed with the department or other proper evidence thereof be given to it the department shall have authority in its discretion to suspend the license issued to such licensee pending trial upon such indictment

After the revocation of any license no new license shall be issued to the same licensee within a period of one year from and after the date of such revocation nor at any time thereafter except in the sole discretion of the department

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1815, as follows:

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 437) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local authorities and providing penalties" is hereby amended to read as follows

Section 5 No proprietor shall furnish any towel or napkin to any patron of a public eating or drinking place unless such towel or napkin be laundered or discarded after each individual use thereof nor shall there be furnished to the patrons of such eating or drinking places any dish glass or other receptacle or utensil used in eating or drinking which has not been thoroughly cleansed with hot water and soap or other suitable cleansing re-agent since it was used by another individual or destroyed or discarded after each individual use

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Finnerty,	McElroy,	Siegel,
Alexander,	Fitch,	McHenry,	Simpson,
Altenburg,	Flanagan,	McKinney,	Sloan,
Andrews,	Flinchbaugh,	Melchiorre,	Smith, J. A.,
Arnold,	Furman,	Mentzer,	Smith, W. G.,
Atkins,	Gates,	Moomaw,	Snyder, F. E.,
Aukerman,	Gerard,	Moran,	Snyder, J. L.,
Baine,	Gillette,	Muir,	Sowers,
Baker, J. J.,	Green,	Murrin,	Spangler,
Barnhardt,	Habbyshaw,	Nagel,	Stevens,
Bernhard,	Haberlen,	Nothnagle,	Stewart,
Blumberg,	Hagerty,	O'Keefe,	Stone,
Boose,	Haluska,	Ominsky,	Sumney,
Boyer,	Hamilton, F. P.,	Panton,	Surface,
Brancato,	Harkins,	Parks,	Terry,
Brennan,	Hart,	Patterson, C.,	Tronzo,
Brown, H. S.,	Hermansen,	Patterson, J. W.,	Trout,

Brown, J. E.,	Hetrick,	Pearson,	Tumelty,
Brownfield,	Hindman,	Peters,	Turner,
Brumbaugh,	Hirsch,	Pfaff,	VanAllsburg,
Burke,	Holstrom,	Phillips,	VanSickle,
Cannon,	Hoopes,	Piole,	Walker,
Caputo,	Horst,	Powers,	Wall,
Carson,	Jackson,	Reising,	Wasserman,
Chervenak,	Jones,	Reynolds,	Weidemann,
Coakley,	Kelder,	Rhys,	Weiss,
Cochran,	Kelso,	Robinson,	Welliver,
Cohen,	Kinney,	Ruffennach,	Welsh,
Coleman,	Klinger,	Ruth,	Westrick,
Condon,	Kobelak,	Sarraf,	Wickersham,
Cordier,	LaRue,	Scanlon,	Wilson,
Decker,	Linderman,	Schrock,	Winner,
Dent,	Long,	Schrope,	Witkin,
Diehl,	Longaker,	Schwab,	Wood,
Dilley,	Lovett,	Schwartz,	Woodside,
Downey, G. E.,	Lynch,	Shaw,	Yeakel,
Duffort,	Male,	Shortz,	Yourishin,
Eberharter,	McCreary,	Shreiner,	Zappala,
Eroe,	McDermott,	Shugarts,	Sarig,
Ferko,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2056, as follows:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assmbly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1409) entitled "An Act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal the Highway Mining commission hereinafter created upon application of the Secretary of Highways the county or [is hereby authorized to enter into agreements with] the owner of the coal underlying such lands or the person entitled to remove the same [specifying] is hereby authorized and empowered to determin and dirct th underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underyling or adjacent coal of any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workings for the purpose of furnishing both verticle and lateral support to such highway and tthe party or parties by whom the expense thereof shall be paid The Secretary of Mines the Attorney General and the President Judge of the Court of Common Pleas of the county in which the highway is situated are hereby constituted a special commission to be known as the Highway Mining Commission This Commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the Sourt of Common Pleas of the county in which the highway is situated All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of Courts of Common Pleas

Section That section three of the said act is hereby amended to read as follows

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any obligation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes which obligations did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of [laws relative to the determination and payment of damages for the relocating of State highways which were in force at the time of the original acquisition of such easement] this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimburse it for the replacement of any highway which may be injured or destroyed by the removal of coal under or adjacent to such highway This Act shall not be construed to create any new right of action for damages or any right of action or procedure not existing or available at the time of the original acquisition of such easement

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Ferko,	McDermott,	Siegel,
Alexander,	Finnerty,	McElroy,	Simpson,
Altenburg,	Fitch,	McHenry,	Sloan,
Andrews,	Flanagan,	McKinney,	Smith, J. A.,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, W. G.,
Atkins,	Furman,	Mentzer,	Snyder, F. E.,
Aukerman,	Gates,	Moomaw,	Snyder, J. L.,
Baine,	Gerard,	Moore,	Sowers,
Baker, J. J.,	Gillette,	Moran,	Spangler,
Baldi,	Green,	Muir,	Stevens,
Barnhardt,	Habbyshaw,	Murrin,	Stewart,
Bernhard,	Haberlen,	Nagel,	Stone,
Blumberg,	Hagerty,	Nothnagle,	Sumney,
Boose,	Haluska,	O'Keefe,	Surface,
Boyer,	Hamilton, F. P.,	Ominsky,	Terry,
Brancato,	Harkins,	Panton,	Tronzo,
Brennan,	Hart,	Parke,	Trout,
Brown, H. S.,	Hermansen,	Patterson, C.,	Tumelty,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Turner,
Brownfield,	Hindman,	Pearson,	VanAllsburg,
Brumbaugh,	Hirsch,	Peters,	VanSickle,
Burke,	Holstrom,	Pfaff,	Walker,
Cannon,	Hoopes,	Phillips,	Wall,
Caputo,	Horst,	Piole,	Wasserman,
Carson,	Jackson,	Powers,	Weidemann,
Chervenak,	Jones,	Reising,	Weiss,
Coakley,	Kelder,	Reynolds,	Welliver,
Cochran,	Kelso,	Rhys,	Welsh,
Cohen,	Kilroy,	Robinson,	Westrick,
Coleman,	Kinney,	Ruffennach,	Wickersham,

Condon,	Klinger,	Ruth,	Wilson,
Cordier,	Kobelak,	Sarraf,	Winner,
Decker,	LaRue,	Scanlon,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schwab,	Woodside,
Dilley,	Longaker,	Schwartz,	Yeakel,
Downey, G. E.,	Lovett,	Shaw,	Yourishin,
Duffort,	Lynch,	Shortz,	Zappala,
Eberharter,	Male,	Shreiner,	Sarig,
Eroe,	McCreary,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1772, as follows:

An Act to amend sections ten twelve and fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" prescribing additional grounds for divorce and providing for the annulment of additional void marriages requiring the court to appoint a committee for insane respondents and providing that children born after a supposed marriage shall be deemed to be born in wedlock even though the marriage is annulled

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve fifteen and eighteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 10 Grounds for Divorce from Bond of Matrimony

1 When a marriage has been heretofore or shall hereafter be contracted and celebrated between two persons it shall be lawful for the innocent and injured spouse to obtain a divorce from the bond of matrimony whenever it shall be judged in the manner hereinafter provided that the other spouse

(a) At the time of the contract was and still is naturally and incurably impotent or incapable of pro-creation or

(b) Has knowingly entered into a second marriage in violation of the previous vows he or she made to the former spouse whose marriage is still subsisting or

(c) Shall have committed adultery or

(d) Shall have committed wilful and malicious desertion and absence from the habitation of the injured and innocent spouse without a reasonable cause for and during the term and space of two years or

(e) Shall have by cruel and barbarous treatment endangered the life of the injured and innocent spouse or

(f) Shall have offered such indignities to the person of the injured and innocent spouse as to render his or her condition intolerable and life burdensome or

(g) Shall have procured the marriage by fraud force or coercion and which has not been subsequently confirmed by the acts of the injured and innocent spouse or

(h) Shall have been convicted as principal or as accessory either before or after the fact within or without this Commonwealth of the crime of arson burglary embezzlement forgery kidnapping larceny murder either in the first or second degree assault with intent to kill voluntary manslaughter perjury rape robbery sodomy buggery treason or misprision of treason and be sentenced to imprisonment for any term of two years or more by a competent court having jurisdiction or

(i) Is hopelessly and incurably insane

2 When a marriage has been heretofore or shall hereafter be contracted and celebrated between two persons within the prohibited degrees of consanguinity or affinity according to the tables established by law it shall be lawful for either of said parties to obtain a divorce from the bond of matrimony in the manner hereinafter provided or

3 If any spouse upon any false rumor in appearance well founded of the death of the other when such other has been absent for the space of two whole years hath married or shall marry again the party who has not married may at his or her return have his or her own marriage dissolved by divorce on the ground of bigamy leaving the other party to remain with the second husband or wife Any such action shall be instituted within six months after such return

Section 12 Annulment of [Bigamous] Void Marriages In all cases where a supposed or alleged marriage shall have been contracted which is absolutely void by reason of one of the parties thereto having a spouse living at the time or by reason of one of the parties thereto having been insane at the time such [the] supposed or alleged marriage may upon the application of either party be declared null and void in accord with the principles and forms hereinafter prescribed for cases of divorce from the bond of matrimony Provided however That in any case where a person was insane at the time of the marriage and is later cured or recovers from such insanity the spouse of such person shall not thereafter be entitled to a divorce or an annullment of the marriage by reason of such insanity

Section 15 Jurisdiction The several courts of common pleas of this Commonwealth shall have original jurisdiction of cases of divorce from the bonds of matrimony from bed and board and in the annulment of marriages under the provisions of this act The said courts shall have power to grant divorces and to annul marriages notwithstanding the fact that the marriage of the parties and the cause for divorce occurred outside of this Commonwealth and that both parties were at the time of the occurrence of said cause domiciled without this Commonwealth and that the respondent has been served with the subpoena only by publication as provided by this act

All petitions or libels for divorce shall be exhibited to the court of the county where the libellant resides except where the husband and wife shall be resident in different counties of this Commonwealth and while so resident a cause of divorce shall arise in which cases the libellant may at his or her option institute and prosecute proceedings either in the county of his or her own residence or in the county wherein the respondent shall be resident and the cause for divorce shall have arisen

Petitions or libels for the annulment of [bigamous] void marriages may be exhibited to the court of common pleas of the county where the marriage was contracted or in the county where either the libellant or respondent resides and in such cases residence of the libellant within the county or State for any period shall not be required

"Section 18. Jurisdiction Where Respondent a Lunatic In cases where a spouse is a hopeless lunatic or non compos mentis, or is hopelessly and incurably insane, the courts of common pleas shall have jurisdiction to receive a petition or libel for divorce in which such lunatic or person non compos mentis or insane is made the respondent, but only for a ground provided for in section ten of this act. In such cases, the said court shall appoint a committee for such person if there is none previously appointed and acting for such person at that time.

Section 2 Said act is hereby amended by adding thereto section thirteen to read as follows:

Section 13 In any case where children have been born after marriage, or after a supposed or alleged marriage, even though such supposed marriage is absolutely void under the provisions of this act, such children shall be deemed to be children born in wedlock

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2030, as follows:

An Act to amend the act approved the twenty-eigth day of April one thousand eight hundred eighty-seven (Pamphlet Laws sixty-three) entitled "An act in relation to the imprisonment government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" by revising and changing the method of paroling inmates from the Pennsylvania Industrial School and for their final discharge

Section 1 Be it enacted by the Senate and House of Representaitves of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections six ten twelve and fourteen of the act approved the twenty-eighth day of April one thousand eight hundred eighty-seven (Pamphlet Laws sixty-three) entitled "An act in relation to the imprisonment government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" are hereby amended to read as follows

Section 6 Every sentence to the [reformatory] school of a person hereafter convicted of a felony or other crime shall be a general sentence to imprisonment in the Pennsylvania Industrial [Reformatory] School at Huntingdon and the courts of this Commonwealth imposing such sentence shall not fix or limit the duration thereof The term of such imprisonment of any person so convicted and sentenced shall be terminated [by the board of managers of the reformatory as] in the manner hereinafter authorized by this act but such improvement shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced

Section 10 The board of [managers] trustees shall have the power to transfer temporarily to the State [prison] penitentiary of the proper district any prisoner who subsequent to his committal shall be shown to their satisfaction to have been at the time of his conviction more than twenty-five years of age or to have been previously convicted of crime and may also so transfer any apparently incorrigible prisoner whose presence in the [reformatory] school appears to be seriously detrimental to the well being of the institution And such [managers] trustees may be written requisitions require the return to the [reformatory] school of any person who may have been so transferred The said board of [managers] trustees shall also have the power to make all rules and regulations necessary and proper and not contrary to the Constitution and laws of this Commonwealth for the [employment] discipline instruction education and [removal and absolute temporary conditional release] transfer of all convicts in said [reformatory] school and shall have authority to prevent the escape of convicts at all hazards

Section 12 The board of [managers] trustees shall under a system of marks or otherwise fix upon a uniform plan under which they shall determine what number of marks or what credit shall be earned by each prisoner sentenced under the provisions of this act as the condition of increased privilege or of release from their control which system shall be subject to revision from time to time Each prisoner so sentenced shall be credited for good personal demeanor diligence in labor and study and for results accomplished and be charged for derelictious negligences and offenses An abstract of the record in the case of each prisoner remaining under control of the said board of [managers] trustees shall be made up semi-annually considered by the [managers] trustees at a regular meeting and filed with the Secretary of the Commonwealth which abstract shall show the date of admission the age and the then present situation whether in the [reformatory] school State prison asylum or elsewhere whether any and how much progress of improvement has been made and the reason for release or continued custody as the case may be The [managers] trustees shall establish rules and regulations by which the standing of each prisoner's account of marks or credit shall be made known to him as often as once a month [and oftener] if he shall at any time request it and may make provisions by which any prisoner may see and converse with some one of said [managers] trustees during every month When it appears to the said [managers] trustees that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law and that his release is not incompatible with the welfare of society then they shall [issue to such prisoner on absolute release from imprisonment in the form provided in section fourteen of this act and shall certify the fact of such release and the grounds thereof to the Governor and the Governor may thereupon in his discrtion restore such person to citizenshio] recommend the release of such prisoner on parole in the manner hereinafter provided by this act But no petition or other form of application for the release of any prisoner shall be entertained by the [managers] trustees Nothing herein contained shall be construed to impair the power of the Governor to grant a pardon or commutation in any case

Section 14 When in the opinion of the superintendent after due investigation and obtaining the opinion of the physician and moral instructor any person confined in the [reformatory] school has given such evidence as is deemed reliable and trustworthy that such person has been so improved by his treatment in said [reformatory] school as to justify his liberation a certificate of the fact and the opinions of the superintendent doctor and moral instructor under their hands and seals shall be submitted to the board of [managers] trustees when after due notice to all the [managers] trustees at the next meeting thereafter said board shall consider the case of the person so presented and when the said board shall determine that such person is entitled to his [discharge] release on parole said board shall [cause a record of the case of such person to be made showing] recommend to the Governor that such prisoner be released on parole and shall send to the Governor a report of such prisoner signed by the trustees which shall contain the following information namely the full name of the prisoner together with any alias which such prisoner may be known to have the date of commitment to the [reformatory] school the time he has been detained the cause thereof a copy of his sentence the copy of the certificate as aforesaid of the officers and the action thereon of the board [said record to be signed by the managers and sent to the judge of the court that sentenced said persons to the reformatory who shall after consulting the district attorney and no further reason for detention existing send under the seal of the court to the said board an order to discharge the said person from said reformatory] the date for his release from the school if allowed and the reasons of the board of trustees for its recommendation Upon receipt of any such report the Governor shall if he deems it adviable issue his mandate ordering the release of such prisoner on parole Privided however That the Governor shall not order the release of any such convict until the Board of Pardons of this Commonwealth after full hearing upon due public notice and in open session according to such rules as it shall provide shall have recommended the release of such convict on parole

If it shall at any time between the date of the release of such convict and the date of the expiration of his possible maximum sentence appear to the Board of Pardons of this Commonwealth that any convict so released from the school on parole will live and remain at liberty without violating the law and that it will be to the advantage of such convict that he be released from the terms of his parole then upon the recommendation of the board the Governor may issue his mandate granting a final discharge to the convict

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Finnerty,	McElroy,	Siegel,
Alexander,	Fitch,	McHenry,	Simpson,
Altenburg,	Flanagan,	McKinney,	Sloan,
Andrews,	Flinchbaugh,	Melchiorre,	Smith, J. A.,
Arnold,	Furman,	Mentzer,	Smith, W. G.,
Atkins,	Gates,	Moomaw,	Snyder, F. E.,
Aukerman,	Gerard,	Moore,	Snyder, J. L.,
Baine,	Gillette,	Moran,	Sowers,
Baker, J. J.,	Green,	Muir,	Spangler,
Barnhardt,	Habbyshaw,	Murrin,	Stevens,
Bernhard,	Haberlen,	Nagel,	Stewart,
Blumberg,	Hagerty,	Nothnagle,	Stone,
Boose,	Haluska,	O'Keefe,	Sumney,
Boyer,	Hamilton, F. P.,	Ominsky,	Surface,
Brancato,	Harkins,	Panton,	Terry,
Brennan,	Hart,	Parks,	Tronzo,
Brown, H. S.,	Hermansen,	Patterson, C.,	Trout,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tumelty,
Brownfield,	Hindman,	Pearson,	Turner,
Brumbaugh,	Hirsch,	Peters,	VanAllsburg,
Burke,	Holstrom,	Pfaff,	VanSickle,
Cannon,	Hoopes,	Phillips,	Walker,
Caputo,	Horst,	Piole,	Wall,
Carson,	Jackson,	Powers,	Wasserman,
Chervenak,	Jones,	Reising,	Weidemann,
Coakley,	Kelder,	Reynolds,	Weiss,
Cochran,	Kelso,	Rhys,	Welliver,
Cohen,	Kilroy,	Robinson,	Welsh,
Coleman,	Kinney,	Ruffenach,	Westrick,
Condon,	Klinger,	Ruth,	Wickersham,
Cordier,	Kobelak,	Sarraf,	Wilson,
Decker,	LaRue,	Scanlon,	Winner,
Dent,	Linderman,	Schrock,	Witkin,
Diehl,	Long,	Schwab,	Wood,
Dilley,	Longaker,	Schwartz,	Woodside,
Downey, G. E.,	Lovett,	Shaw,	Yeakel,
Duffort,	Lynch,	Shortz,	Yourishin,
Eberharter,	Male,	Shreiner,	Zappala,
Eroe,	McCreary,	Shugarts,	Sarig,
Ferko,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2051, as follows:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by adding thereto township bridges and by adding thereto a new section providing for the retention of certain bridges by the county under certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" as last amended by the Act approved the thirteenth day of April on thousand nine hundred thirty-three (Pamphlet Laws thirty) is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That where any county or township is responsible for the construction or maintenance of any bridge on a State highway route carrying vehicular traffic over a stream or over a stream and the facilities of any public service company or on a continuation of a State highway route through any borough or incorporated town or which is located on a continuation of a State highway route and part of which extends into the municipal limits of a third-class city the [county's] responsibility of such county or township shall be assumed by the Commonwealth except as hereinafter in this act provided All such bridges shall be taken over by the Department of Highways and shall be built rebuilt repaired and maintained by the department at the expense of the Commonwealth This act shall not be construed to relieve any person firm association or corporation from any obligation for the construction or maintenance of any such bridge under any agreement or order of court or under any order of the Public Service Commission heretofore or hereinafter made

Section 2 That section six of the said Act is hereby amended to read as follows

Section 6 This act shall not be construed to place upon the Commonwealth of Pennsylvania the responsibility for the construction or maintenance of any bridge on a State highway route [or continuation thereof] within the limits of any [borough incorporated town or] third-class city if such highway was established subsequently to the first day of January one thousand nine hundred and thirty-one or any bridge which the county desires to retain as a county bridge in the manner hereinafter provided

Section 3 "That the following new section shall be added to the act

Section 6A. Any county desiring to retain as a county bridge any of the bridges affected by this act, may do so, subject to the approval of the Secretary of Highways, by making application prior to the first day of September, one thousand nine hundred thirty-five, to the Secretary of Highways, setting forth the county's reasons for desiring to have the structure as a county bridge, accompanied by a resolution agreeing to maintain and reconstruct such bridge in accordance with the standards of the Department of Highways.

Section 4 This act shall become effective the first day of January one thousand nine hundred thirty-six"

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Ferko,	McDermott,	Shugarts,
Alexander,	Finnerty,	McElroy,	Siegel,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sloan,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, J. A.,
Atkins,	Furman,	Mentzer,	Smith, W. G.,
Aukerman,	Gates,	Moomaw,	Snyder, F. E.,
Baine,	Gerard,	Moore,	Snyder, J. L.,
Baker, J. J.,	Gillette,	Moran,	Sowers,
Baldi,	Green,	Muir,	Spangler,
Barnhardt,	Habbyshaw,	Murrin,	Stevens,
Bernhard,	Haberlen,	Nagel,	Stewart,
Blumberg,	Hagerty,	Nothnagle,	Stone,
Boose,	Haluska,	O'Keefe,	Sumney,
Boyer,	Hamilton, F. P.,	Ominsky,	Surface,
Brancato,	Harkins,	Panton,	Terry,
Brennan,	Hart,	Parks,	Tronzo,
Brown, H. S.,	Hermansen,	Patterson, C.,	Trout,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tumelty,
Brownfield,	Hindman,	Pearson,	Turner,
Brumbaugh,	Hirsch,	Peters,	VanAllsburg,
Blumberg,	Holstrom,	Pfaff,	VanSickle,
Burke,	Hoopes,	Phillips,	Walker,
Cannon,	Horst,	Piole,	Wall,
Caputo,	Jackson,	Powers,	Wasserman,
Carson,	Jones,	Reising,	Weidemann,
Chervenak,	Kelder,	Reynolds,	Weiss,
Coakley,	Kilroy,	Rhys,	Welliver,
Cochran,	Kelso,	Robinson,	Welsh,
Cohen,	Klinger,	Ruffennach,	Westrick,
Coleman,	Kobelak,	Ruth,	Wickersham,
Condon,	LaRue,	Sarraf,	Wilson,
Cordier,	Linderman,	Scanlon,	Winner,
Decker,	Long,	Schrock,	Witkin,
Dent,	Longaker,	Schwab,	Wood,
Diehl,	Lovett,	Schwartz,	Woodside,
Dilley,	Lynch,	Shaw,	Yeakel,
Downey, G. E.,	Male,	Shortz,	Yourishin,
Duffort,	McCreary,	Shreiner,	Zappala,
Eberharter,			Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. REISING. Mr. Speaker, I desire to call up at this time House Bill No. 1987, Printer's No. 643, on page 24, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. REISING.

The House resumed the consideration on final passage of House Bill No. 1987, entitled:

An Act to amend section nine hundred and seven of article nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing citizens to petition the Attorney General to appoint an Attorney to supersede the district attorney in certain cases

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. REISING. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. REISING. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 2, line 6, by striking out the word "citizen," and inserting in lieu thereof the word: "petitioners"

Amend Sec. 1, page 3, lines 10 and 11, by striking out with heavy-brackets the words "at least twenty citizens of said county," and inserting in lieu thereof the following: "petitioners equal to at least one per centum of the population of the county as shown by the last preceding decennial census of the United States shall"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2561 (Senate Bill No. 581), entitled:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. WESTRICK. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2017, as follows:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of any in-

surance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the 'Workmen's Compensation Security Fund Act"

Section 2 As hereafter used in this act unless the context or subject otherwise require

"Stock Fund" means the stock workmen's compensation security fund

"Mutual Fund" means the mutual workmen's compensation security fund created by this act

"Reciprocal Fund" means the reciprocal compensation security fund

"Funds" mean the stock fund the mutual fund and the reciprocal fund

"Fund" means either the stock fund the mutual fund or the reciprocal fund as the context may require

"Fund year" means the calendar year

"Stock carrier" means any stock corporation authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent stock carrier

"Mutual carrier" means any corporation or association organized and operating on the mutual plan authorized to transact the business of workmen's compensation insurance in this state except an insolvent mutual carrier

"Reciprocal carrier" means any association or group of persons exchanging contracts of insurance or indemnity on the reciprocal or interinsurance plan authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent reciprocal carrier

"Carrier" means either a stock carrier a mutual carrier or a reciprocal carrier as the context may require

"In solvent stock carrier" "insolvent mutual carrier" or "insolvent reciprocal carrier" means a stock carrier a mutual carrier or a reciprocal carrier as the case may be which has been determined to be insolvent or for which or for the assets of which a receiver or liquidator howsoever entitled has been appointed by a court or public officer of competent jurisdiction and authority after the effective date of this act

"Commissioner" means the Insurance Commissioner of this Commonwealth

"Workmen's Compensation Law" means the Workmen's Compensation Act of 1915 and its supplements and amendments

Section 3 There is hereby created a fund to be known as "The Stock Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the workmen's compensation law for employments insured in insolvent stock carriers Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to the workmen's compensation act and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent stock carrier Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by stock carriers as herein defined all property and securities acquired by and through the use of moneys belonging to the fund of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 4 Every stock carrier shall on or before the first day of March one thousand nine hundred and thirty six file with the Treasurer of the Commonwealth and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount of net written premiums for the six months' period ending December thirty-first one thousand nine hundred and thirty-five on policies issued renewed or extended by such carrier to insure payment of compensation pursuant to the Workmen's Compensation Law For the purposes of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled Thereafter on or before the first day of March and September of each year each such carrier shall file similar identical returns stating the amount of such net written premiums for the six months' period ending respectively on the preceding December thirty-first and June thirtieth on policies issued renewed or extended by such carrier

Section 5 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth every stock carrier shall pay unto the stock fund on the first day of March one thousand nine hundred and thirty-six a sum equal to one per centum of its net written premiums as shown by the return hereinbefore prescribed for the period ending December thirty-first one thousand nine hundred and thirty-five and thereafter each such stock carrier upon filing each semi-annual return shall pay a sum equal to one per centum of its net written premiums for the period covered by such return When the aggregate amount of all such payments into the stock fund together with accumulated interest thereon less all its expenditures and known liabilities becomes equal to five per centum of the loss reserves of all stock cariers for the payment of benefits under the Workmen's Compensation Act as of December thirty-first next preceding no further contributions to said fund shall be required to be made Provided however That whenever thereafter the amount of said fund shall be reduced below five per centum of such loss reserves as of said date by reason of payments from and known liabilities of said stock fund then such contribution to said fund shall be resumed from such date as the Commissioner shall prescribe and shall continue until such fund over and above its known liabilities shall equal to five per centum of such reserves

Section 6 The Commissioner may adopt amend and enforce rules and regulations necessary for the proper administration of such stock fund In the event any stock carrier shall fail to file any return or make any payment required by this act or in case the Commissioner shall have cause to believe that any return or other statement filed is false or inaccurate in any particular or that any payment made is incorrect he shall have full authority to examine all the books and records of the carrier for the purpose of ascertaining the facts and shall determine the correct amount to be paid and may proceed in any court of competent jurisdiction to recover for the benefit of the fund any sums shown to be due upon such examination and determination Any stock carrier which fails to make any statement as required by this act or to pay any contribution to the stock when due shall thereby forfeit to said fund a penalty of five per centum of the amount of unpaid contribution determined to be due as provided by this act plus one per centum of such amount for each month of delay or fraction thereof after the expiration of the first month of such delay but the Commissioner may upon good cause shown extend the time for filing of such return or payment The Commissioner shall revoke the certificate of authority to do business in this Commonwealth of any carrier which shall fail to comply with the provisions of this act or to pay any penalty imposed in accordance with this act

Section 7 The stock fund created by this act shall be separate and apart from any other fund so created and from all other Commonwealth moneys The State Treasurer shall be the custodian of said fund and all disbursements from said fund shall be made by the State Treasurer upon vouchers signed by the Commissioner as hereinafter provided The moneys of said fund may be invested by the State Treasurer and Commissioner only in bonds or securities which are the direct obligations of or which are guaranteed as to principal and interest by the United States or this State The State Treasury and Commissioner may sell any of the securities in which said fund is invested if advisable for its proper administration or in the best interest of such fund and all earnings from the investments of such fund shall be credited to such fund

Section 8 A valid claim for compensation or death benefits or installments thereof heretofore or hereafter made pursuant to the Workmen's Compensation Law which has remained or shall remain due and unpaid for sixty days by reason of default after the effective date of this act by an insolvent stock carrier shall be paid from the stock fund in the manner provided in this act Any person in interest may file with the Commissioner an application for payment of compensation or death benefits from the stock fund on a form to be prescribed and furnished by the Commissioner A certified copy of the award must accompany the application The Commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same whereupon payment shall be made by the State Treasurer on warrant of the Auditor General and on requisition of the Commissioner

The Commissioner shall be entitled to recover the sum of all liabilities of such insolvent carrier assumed by such stock fund from such carrier its receiver liquidator rehabilitator conservator or trustee in bankruptcy employes and all others liable under any of the terms of the Workmen's Compensation Law and may prosecute an action or other proceedings therefor All moneys recovered in any such action or proceeding shall forthwith be placed to the credit of the stock fund by the State Treasurer to reimburse the stock fund to the extent of the moneys so recovered and paid If and when all liabilities of all stock carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to all contributing stock carriers of the remaining balance of the stock fund in the proportion in which each stock carrier made contribution to the said stock fund Provided however That an insolvent stock carrier shall be entitled to share in the said distribution of said stock fund only to the extent that its distributive share of said sock fund is in excess of any losses paid out of said stock fund for its account by the Treasurer in accordance with the terms of this act

Section 9 There is hereby created a fund to be known as "The Mutual Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the Workmen's Compensation Law for employments insured in insolvent mutual carriers Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to law and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent mutual carrier Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by mutual carriers as herein defined of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 10 Every mutual carrier shall on or before the first day of March one thousand nine hundred and thirty-six file with the Treasurer of the Commonwealth and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount of net written premiums for the six months' period ending December thirty-first one thousand nine hundred and thirty-five on policies issued renewed or extended by such carrier to insure payment of compensation pursuant to the Workmen's Compensation Law during said period For the purpose of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled Thereafter on or before the first day of March and September of each year such carrier shall file similar identical returns stating the amount of such net written premiums for the six months' periods ending respectively on the preceding December thirty-first and June thirtieth on such policies issued renewed or extended by such carrier

Section 11 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth every mutual carrier shall pay into the mutual fund on the first day of March one thousand nine hundred and thirty-six a sum equal to one per centum of its net written premiums as shown by the return hereinbefore prescribed for the period ending December thirty-first one thousand nine hundred and thirty-five and thereafter each such mutual carrier upon filing each semi-annual return shall pay a sum equal to one per centum of its net written premiums as shown for the period covered by such return

Whenever the mutual fund less all its known liabilities shall exceed five per centum of the loss reserves of all mutual carriers for the payment of losses under the Workmen's Compensation Law as of December thirty-first next preceding distribution of such excess subject to the advance approval of the Commissioner shall be made as repayments for successive fund years commencing with the first fund year to the mutual carriers in the proportion in which they respectively made contribuions for such fund years Provided however No such distribution shall reduce the fund less all its known liabilities below an amount equal to five per centum of such loss reserves as of said date Such repayments shall be made from time to time until the mutual carriers for the first fund year shall have received their proportionate share of the contributions for the first fund year including interest if any Such repayments for succeeding fund years in their order shall be made on the same basis The insolvency of any mutual career shall automatically terminate its right to such repayments and the withdrawal of any mutual carrier from the transaction of workmen's compensation insurance business in this Commonwealth shall automatically suspend its right to such repayments until all its liabilities for workmen's compensation losses in this Commonwealth shall have been fully liquidated If and when all liabilities of all mutual carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to the mutual carriers of the remaining balance of the mutual fund in the proportion in which each such mutual carrier made contributions to the mutual fund

Section 12 There is hereby created a fund to be known as "The Reciprocal Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the Workmen's Compensation Law for employments insured in insolvent reciprocal carriers Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to this law and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent reciprocal carrier Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by reciprocal carriers as herein defined of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 13 Every reciprocal carrier shall on or before the first day of March one thousand nine hundred and thirty-six file with the Treasurer and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount of net premiums or deposits written or charged for the six months' period ending December thirty-first one thousand nine hundred and thirty-five on policies or contracts of reciprocal or inter-insurance issued renewed or extended by such carrier to insure payment of compensation pursuant to this act during said period For the purpose of this act "net premiums or deposits written or charged" shall mean gross premiums or deposits written or charged less return premiums or deposits on policies or contracts returned not taken or cancelled Thereafter on or before the first day of March and September of each year each such carrier shall file similar identical returns stating the amount of such net premiums or deposits written or charged for the six months' periods ending respectively on the preceding December thirty-first and June thirtith on such policies or contracts issued renewed or exended by such carrier

Section 14 For the privilege of carrying on the business of workmen's compensation law in this Common-

wealth every reciprocal carrier shall pay into the reciprocal fund on the first day of March one thousand nine hundred and thirty-six a sum equal to one per centum of its net written premiums or deposits as shown by the return hereinbefore prescribed for the period ending December thirty-first one thousand nine hundred and thirty-five and thereafter each such reciprocal carrier upon filing each semi-annual return shall pay a sum equal to one per centum of its net written premium or deposits as shown for the period covered by such return

Whenever the reciprocal fund less all its known liabilities shall exceed five per centum of the loss reserves of all reciprocal carriers for the payment of losses under the Workmen's Compensation Law as of December thirty-first next preceding distribution of such excess subject to the advance approval of the Commissioner shall be made as repayments for succesive fund years commencing with the first fund year to the reciprocal carriers in the proportion in which they respectively made contributions for such fund year Provided however That no such distribution shall reduce the fund less all its known liabilities below an amount equal to five per centum of such loss reserves as of said date Such repayments shall be made from time to time until the reciprocal carriers for the first year shall have received their proportionate shares of the contributions for the first fund year including interest if any Such repayments for succeeding fund years in their order shall be made on the same basis The insolvency of any reciprocal carrier shall automatically terminate its right to such repayments and the withdrawal of any reciprocal carrier from the transaction of workmen's compensation insurance business in this Commonwealth shall automatically suspend its right to such repayments until all its liabilities for workmen's compensation losses in this Commonwealth shall have been fully liquidated If and when all liabilities of all reciprocal carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to reciprocal carriers of the remaining balance of the reciprocal fund in the proportion to which each such reciprocal carrier made contributions to the reciprocal fund

Section 15 The provisions of section six seven and eight of this act shall apply mutatis mutandis to the administration custody and investment of and payments from the mutual fund and the reciprocal fund

Section 16 After the effective date of this act upon any carrier becoming an insolvent stock carrier an insolvent mutual carrier or an insolvent reciprocal carrier as the case may be the Commissioner shall so notify the Workmen's Compensation Board which shall immediately advise the Commissioner (a) of all claim for compensation pending or thereafter made against an employer insured by such insolvent carrier or against such insolvent carrier (b) of all unpaid or continuing awards made upon claims for compensation prior to or after the date of such notice from the Commissioner and (c) of all appeals from or applications for modification recision or review of such awards

Section 17 The Commissioner or a representative committee of interested carriers which th Commissioner may from time to time appoint or both may investigate and defend before the Workmen's Compensation Board or any court any and all claims for compensation against an employer insured by an insolvent carrier or against an insolvent carrier and may prosecute any pending appeal from or may appeal from or make application for modification recision or review of any agreement award or decision against any such employer or carrier Until all such claims for compensation are closed and all awards are paid the Commissioner as administrator of the funds shall be a party in interest in respect to all such claims agreements and awards For the purposes of this section the Commissioner shall have exclusive power to select and employ such clerks and assistants as may be deemed necessary and to fix and determine their powers and duties

Section 18 The expenses of administering each fund shall be paid out of such fund The Commissioner shall serve as administrator of each fund without additional remuneration but may be allowed and paid from any of the funds expenses incurred in the performance of his duties in connection with such fund The compensation of persons employed by the Commissioner for the purposes of this act in connection with any of the funds shall be deemed administration expenses payable out of such fund in the manner provided with respect to the stock fund in section seven of this act The Commissioner shall include in his regular report to the Governor a statement of the expenses of administering each of such funds during the period covered by such report

Section 19 Other than the obligation to contribute to a fund as provided in this act no deposit bond or other security shall be required of any carrier as a condition to authorization to transact the business of workmen's compensation insurance in this Commonwealth

Contributions to the funds created by this act at the rates fixed by this act shall be allowed in full as expenses of the business of workmen's compensation insurance by the Commissioner in fixing and approving rates for such insurance

Section 20 If any part of this act be adjudged unconstitutional it shall not invalidate the remainder of the act All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 21 This act shall take effect on the first day of June one thousand nine hundred and thirty-five

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—154

Achterman,	Eberharter,	Male,	Shortz,
Alexander,	Eroe,	McCreary,	Shugarts,
Altenburg,	Ferko,	McDermott,	Siegel,
Andrews,	Finnerty,	McElroy,	Simpson,
Arnold,	Fitch,	McHenry,	Sloan,
Atkins,	Flanagan,	McKinney,	Smith, J. A.,
Aukerman,	Flinchbaugh,	Melchiorre,	Smith, W. G.,
Baine,	Furman,	Mentzer,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Moore,	Sowers,
Barnhardt,	Gillette,	Moran,	Spangler,
Bernhard,	Green,	Muir,	Stevens,
Blumberg,	Haberlen,	Murrin,	Stewart,
Boose,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Sumney,
Brancato,	Hamilton, F. P.,	O'Keefe,	Surface,
Brennan,	Harkins,	Ominsky,	Terry,
Brown, H. S.,	Hart,	Panton,	Tronzo,
Brown, J. E.,	Hermansen,	Parks,	Trout,
Brownfield,	Hetrick,	Patterson, C.,	Tumelty,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Turner,
Burke,	Hindman,	Pearson,	VanAllsburg,
Cannon,	Hirsch,	Peters,	VanSickle,
Caputo,	Holstrom,	Pfaff,	Walker,
Carson,	Hoopes,	Phillips,	Wall,
Chervenak,	Horst,	Piole,	Wasserman,
Coakley,	Jackson,	Powers,	Weidemann,
Cochran,	Jones,	Reising,	Weiss,
Cohen,	Kelder,	Reynolds,	Welliver,
Coleman,	Kelso,	Rhys,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Ruffennach,	Wilson,
Davies,	Kobelak,	Ruth,	Winner,
Decker,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Duffort,	Lynch,	Shaw,	Sarig,

NAYS—4

Habbyshaw,	Shreiner,	Wickersham,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 21, as follows:

An Act authorizing courts of common pleas in certain cases to stay or continue proceedings under the provisions of the act approved the twentieth day of April one thousand nine hundred and five (Pamphlet Laws two hundred thirty-nine) entitled "An act providing for and defining the rights remedies duties and liabilities of purchasers of real estate at judicial sales and of their grantees heirs and devisees and of the persons then in possession thereof" and to stay writs of possession issued pursuant thereto providing for the continuance of return days of such writs of possession and authorizing execution thereon without issuance of further writs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where any dwelling together with the land appurtenant thereto or any farm occupied as a residence has been or shall hereafter be sold at sheriffs sale on a mortgage forclosure or on a judgment on a bond accompanying a mortgage and such real property is purchased by or on behalf of the mortgage creditor every court of common pleas of this Commonwealth shall have authority under the conditions hereinafter set forth to stay or continue any proceedings by such mortgage creditor or any person in his behalf to gain possession of such real property under the provisions of the act approved the twentieth day of April one thousand nine hundred and five (P. L. 239) entitled "An act providing for and defining the rights remedies duties and liabilities of purchasers of real estate at judicial sales and of their grantees heirs and devisees and of the persons then in possession thereof" or to stay any writ of possession issued pursuant thereo Such stays or continuances shall be allowed only for a period of time not exceeding nine months and upon application of the former owner or tenant of the former owner in possession of such property at the time of the sheriff's sale and unless the petitioner in such proceeding consent thereo only upon the applicants showing to the court such facts as the court may deem sufficient to warrant such relief In granting any such stay or continuance the court shall impose such conditions as it deems proper as to payment of costs taxes repairs insurance compensation for use and occupation in the nature of rent or otherwise and any other pertient matters In exercising the powers conferred by this act a court shall have the discretion of a chancellor sitting in eqiuty

Section 2 The stay of any writ of possession under this act shall continue the return day of the writ to the first regular return day for such writs which shall occur after the exeeution of such writ In the meantime the writ shall remain in full force and effect and execution may be had thereon without the issuance of an alias or any other writ

Section 3 The powers herein conferred on courts of common pleas shall be in addition to all powers now possessed by such courts to stay continue and otherwise control such proceedings and writs of possession

Section 4 The provisions of this act shall become effective immediately upon its final enactment and shall continue in force only until the thirty-first day of March one thousand nine hundred and thirty-séven

Section 5 All acts and parts of acts inconsistent herewith are hereby suspended while this act is in effect

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Ferko,	McDermott,	Shugarts,
Alexander,	Finnerty,	McElroy,	Siegel,
Altenburg,	Fitch,	McKinney,	Simpson,
Andrews,	Flanagan,	McHenry,	Sloan,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, J. A.,
Atkins,	Furman,	Mentzer,	Smith, W. G.,
Aukerman,	Gates,	Moomaw,	Snyder, F. E.,
Baine,	Gerard,	Moore,	Snyder, J. L.,
Baker, J. J.,	Gillette,	Moran,	Sowers,
Baldi,	Green,	Muir,	Spangler,
Barnhardt,	Habbyshaw,	Murrin,	Stevens,
Bernhard,	Haberlen,	Nagel,	Stewart,
Blumberg,	Hagerty,	Nothnagle,	Stone,
Boose,	Haluska,	O'Keefe,	Sumney,
Boyer,	Hamilton, F. P.,	Ominsky,	Surface,
Brancato,	Harkins,	Panton,	Terry,
Brennan,	Hart,	Parks,	Tronzo,
Brown, H. S.,	Hermansen,	Patterson, C.,	Trout,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tumelty,
Brownfield,	Hindman,	Pearson,	Turner,
Brumbaugh,	Hirsch,	Peters,	VanAllsburg,
Burke,	Holstrom,	Pfaff,	VanSickle,
Cannon,	Hoopes,	Phillips,	Walker,
Caputo,	Horst,	Piole,	Wall,
Carson,	Jackson,	Powers,	Wasserman,
Chervenak,	Jones,	Reising,	Weidemann,
Coakley,	Kelder,	Reynolds,	Weiss,
Cochran,	Kelso,	Rhys,	Welliver,
Cohen,	Kilroy,	Robinson,	Welsh,
Coleman,	Kinney,	Ruffennach,	Westrick,
Condon,	Klinger,	Ruth,	Wickersham,
Cordier,	Kobelak,	Sarraf,	Wilson,
Decker,	LaRue,	Scanlon,	Winner,
Dent,	Linderman,	Schrock,	Witkin,
Diehl,	Long,	Schwab,	Wood,
Dilley,	Longaker,	Schwartz,	Woodside,
Downey, G. E.,	Lovett,	Shaw,	Yeakel,
Duffort,	Lynch,	Shortz,	Yourishin,
Eberharter,	Male,	Shreiner,	Zappala,
Eroe,	McCreary,		Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1439, entitled:

An Act requiring insurance companies after receiving notices of loss or damage from policy holders to furnish them forms for filing proofs of claims

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Ferko,	McDermott,	Siegel,
Alexander,	Finnerty,	McElroy,	Simpson,
Altenburg,	Fitch,	McHenry,	Sloan,
Andrews,	Flanagan,	McKinney,	Smith, J. A.,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, W. G.,
Atkins,	Furman,	Mentzer,	Snyder, F. E.,
Aukerman,	Gates,	Moomaw,	Snyder, J. L.,
Baine,	Gerard,	Moore,	Sowers,
Baker, J. J.,	Gillette,	Moran,	Spangler,
Baldi,	Green,	Muir,	Stevens,
Barnhardt,	Habbyshaw,	Murrin,	Stewart,
Bernhard,	Haberlen,	Nagel,	Stone,
Blumberg,	Hagerty,	Nothnagle,	Sumney,
Boose,	Haluska,	O'Keefe,	Surface,
Boyer,	Hamilton, F. P.,	Ominsky,	Terry,
Brancato,	Harkins,	Panton,	Tronzo,
Brennan,	Hart,	Parks,	Trout,
Brown, H. S.,	Hermansen,	Patterson, C.,	Tumelty,

Brown, J. E.,	Hetrick,	Patterson, J. W.,	Turner,
Brownfield,	Hindman,	Pearson,	VanAllsburg,
Brumbaugh,	Hirsch,	Peters,	VanSickle,
Burke,	Holstrom,	Pfaff,	Walker,
Cannon,	Hoopes,	Phillips,	Wall,
Caputo,	Horst,	Piole,	Wasserman,
Carson,	Jackson,	Powers,	Weidemann,
Chervenak,	Jones,	Reising,	Weiss,
Coakley,	Kelder,	Reynolds,	Welliver,
Cochran,	Kelso,	Rhys,	Welsh,
Cohen,	Kilroy,	Robinson,	Westrick,
Coleman,	Kinney,	Ruffennach,	Wickersham,
Condon,	Klinger,	Ruth,	Wilson,
Cordier,	Kobelak,	Sarraf,	Winner,
Decker,	LaRue,	Scanlon,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schwab,	Woodside,
Dilley,	Longaker,	Schwartz,	Yeakel,
Downey, G. E.,	Lovett,	Shaw,	Yourishin,
Duffort,	Lynch,	Shortz,	Zappala,
Eberharter,	Male,	Shreiner,	Sarig,
Eroe,	McCreary,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1571, as follows:

An Act to amend sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by changing the conditions of the bond of the city treasurer as tax collector and providing when liability on such bond shall cease

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 1402 Bond Salary The city treasurer shall give lawful fidelity bond to the city with two or more sufficient sureties or with a surety company authorized by law to act as surety to be approved by the council in such sum as it may by ordinance direct conditioned for the honest and faithful discharge of his official duties and the safekeeping and payment over of all public moneys entrusted to his care and that as tax collector he shall [well and truly collect and pay or account for the whole amount of the taxes charged and assessed in the duplicates which shall be delivered to him during his term of office] account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The city treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) certified to the city council for entry as liens in the office of the prothonotary or (3) returned to the county treasurer or city treasurer for sale or (4) in the case of occupation poll and per capita taxes a record of those which remain uncollected is filed with the tax authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes The city treasurer shall be required to give but one bond to the city which shall include his duties as city treasurer and collector of taxes and shall cover the full term of his office He shall as city treasurer receive a fixed annual salary to be provided by ordinance His compensation as tax collector for the city shall be fixed as provided in article twenty-five of this act

Section 2553 Bond of Treasurer as Tax Collector The treasurer as collector of taxes before entering upon his duties shall give bond to the city as provided in article fourteen of this act and [in the usual form] he shall give fidelity bonds to the other respective authorities levying taxes which he is authorized to collect in an amount to be by them severally fixed with coporate or at least two sufficient sureties to be by them approved conditioned that the said treasurer as collector of taxes shall [well and truly collect and pay over or account for the whole amount of the taxes charged and assessed in the duplicates which shall be delivered to him during his term of office] account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) certified to the respective authorities levying the taxes for entry as liens in the office of the prothonotary or (3) returned to the County treasurer or city treasurer for sale or (4) in the case of occupation poll and per capita taxes a record of which remain uncollected is filed with the tax authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes Should the city or any of the said authorities levying any tax be of opinion at any time that the bond given is not sufficient the city or said authority may require the said treasurer as collector to give additional security to be approved in manner as aforesaid The said collector shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Ferko,	McDermott,	Siegel,
Alexander,	Finnerty,	McElroy,	Simpson,
Altenburg,	Fitch,	McHenry,	Sloan,
Andrews,	Flanagan,	McKinney,	Smith, J. A.,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, W. G.,
Atkins,	Furman,	Mentzer,	Snyder, F. E.,
Aukerman,	Gates,	Moomaw,	Snyder, J. L.,
Baine,	Gerard,	Moore,	Sowers,
Baker, J. J.,	Gillette,	Moran,	Spangler,
Baldi,	Green,	Muir,	Stevens,
Barnhardt,	Habbyshaw,	Murrin,	Stewart,
Bernhard,	Haberlen,	Nagel,	Stone,
Blumberg,	Hagerty,	Nothnagle,	Sumney,
Boose,	Haluska,	O'Keefe,	Surface,
Boyer,	Hamilton, F. P.,	Ominsky,	
Brancato,	Harkins,	Panton,	Tronzo,
Brennan,	Hart,	Parks,	Trout,
Brown, H. S.,	Hermansen,	Patterson, C.,	Tumelty,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Turner,
Brownfield,	Hindman,	Pearson,	VanAllsburg,
Brumbaugh,	Hirsch,	Peters,	VanSickle,
Burke,	Holstrom,	Pfaff,	Walker,
Cannon,	Hoopes,	Phillips,	Wall,
Caputo,	Horst,	Piole,	Wasserman,
Carson,	Jackson,	Powers,	Weidemann,
Chervenak,	Jones,	Reising,	Weiss,
Coakley,	Kelder,	Reynolds,	Welliver,
Cochran,	Kelso,	Rhys,	Welsh,
Cohen,	Kilroy,	Robinson,	Westrick,
Coleman,	Kinney,	Ruffennach,	Wickersham,
Condon,	Klinger,	Ruth,	Wilson,
Cordier,	Kobelak,	Sarraf,	Winner,
Decker,	LaRue,	Scanlon,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schwab,	Woodside,
Dilley,	Longaker,	Schwartz,	Yeakel,
Downey, G. E.,	Lovett,	Shaw,	Yourishin,
Duffort,	Lynch,	Shortz,	Zappala,
Eberharter,	Male,	Shreiner,	Sarig,
Eroe,	McCreary,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2406, as follows:

An Act to authorize the Commonwealth and Counties cities boroughs towns townships and agencies of the Commonwealth to co-operate with housing authorities and the United States of America by rendering services conveying or leasing property and providing for streets roads and other facilities to require any city located within a housing authority to make an appropriation for the first year's administrative expenses of such authority and to authorize cities boroughs towns and townships located within housing authorities to make grants lend money to such housing authorities

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Declaration of necessity It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the Commonwealth and that consequently many persons of low income are forced to reside in such dwelling accommodations that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health safety morals and welfare of the citizens of the Commonwealth and impair economic values that the clearance replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which private property may be acquired that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency and the necessity in the public interest for the provision hereinafter enacted is hereby declared as a matter of legislative determination

Section 2 Definitions The following words terms and phrases when used or referred to in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"City" shall mean any city of the Commonwealth which is or is about to be included in the territorial boundaries of a housing authority

"Housing authority" shall mean any housing authority organized pursuant to the Housing Authorities Law of this Commonwealth

"Housing authority" shall mean any housing authority organized pursuant to the Housing Authorities Law of this Commonwealth

"Housing project" shall mean any undertaking (a) to demolish clear remove alter or repair unsafe or unsanitary housing or (b) to provide dwelling accommodations for persons of low income and said term may also include such buildings and equipment for recreational or social assemblies for educational health or welfare purposes and such necessary utilities as are designed primarily for the benefit and use of the housing authority or the occupants of such dwelling accommodations

"Municipality" shall mean any city (other than a city as defined above) town borough or township of the Commonwealth

Section 3 Conveyance Lease or Agreement in Aid of Housing Project For the purpose of aiding and co-operating in the planning construction and operation of housing projects located within their respective territorial boundaries the Commonwealth and any county city municipality or agency of the Commonwealth may upon such terms with or without consideration as it may determine

(a) Grant sell convey or lease any of its property to a housing authority or the United States of America or any agency thereof and

(b) To the extent that it is within the scope of each of their respective functions (1) cause the services customarily provided by each of them to be rendered for the benefit of the housing authority or the occupants of such housing projects and (2) provide and maintain parks and sewerage water and other facilities adjacent to or in connection with housing projects and (3) enter into any agreement to open close pave install or change the grade of streets roads roadways alleys sidewalks or other such facilities to change the city or municipality map to plan replan zone or rezone any part of the city or municipality

In connection with the exercise of this power any city or municipality may incur the entire expense of any such public improvements located within its territorial boundaries without assessment against abutting property owners Any law or statute to the contrary notwithstanding any gift grant sale conveyance lease or agreement provided for in this section may be made by the Commonwealth and any county city municipality or agency of the Commonwealth without appraisal public notice advertisement or public bidding

Section 4 Advances and Donations by City and Municipality Immediately after the incorporation of a housing authority the council or other governing body of the city included within the territorial boundaries of such authority shall make an estimate of the amount of money necessary for the administrative expenses and overhead of the housing authority during the first year following the incorporation of such housing authority and shall appropriate such amount to the authority out of any moneys in the city treasury not appropriated to some other purposes and shall cause the moneys so appropriated to be paid the authority as a donation In addition thereto the city and any municipality located in whole or in part within the boundaries of a housing authority shall have the power annually and from time to time to make donations or advances to the authority of such sums as the city or municipality in its discretion may determine The authority when it has money available therefor shall reimburse the city or municipality for all advances by way of loan made to it

Section 5 Action of City or Municipality by Resolution Except as otherwise provided in this act by the council or other governing body of any city or of any municipality may be by resolution adopted by a majority of all the members of its council or other governing body which resolution may be adopted at the meeting of the council or other governing body at which such resolution is introduced and shall take effect immediately upon such adoption and no such resolution need be published or posted

Section 6 Purpose of Act It is the purpose and intent of this act that the Commonwealth its subdivisions and agencies and any county city or municipality of the Commonwealth shall be authorized and are hereby authorized to do any and all things necessary to aid and co-operate in the planning construction and operation of housing projects by the United States of America and by housing authorities

Section 7 Supplemental Nature of Act The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law

Section 8 Severability If any section clause sentence or part of this act shall for any reason be adjudged unconstitutional or invalid such judgment shall not affect impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid and the inapplicability or invalidity of any section clause or provision of this act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance

Section 9 Effective Date This act shall become effective immediately upon its final enactment

An Act to authorize cities boroughs towns and townships and the Commonwealth its subdivisions and agencies to co-operate with housing authorities and the United States of America by rendering services conveying or leasing property and providing for streets roads and other facilities to require any city located within a housing authority to make an appropriation for the first year's administrative expense of such authority and to

authorize cities boroughs towns and townships located within housing authorities to make grants and lend money to such housing authorities

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Ferko,	McDermott,	Siegel,
Alexander,	Finnerty,	McElroy,	Simpson,
Altenburg,	Fitch,	McHenry,	Sloan,
Andrews,	Flanagan,	McKinney,	Smith, J. A.,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, W. G.,
Atkins,	Furman,	Mentzer,	Snyder, F. E.,
Aukerman,	Gates,	Moomaw,	Snyder, J. L.,
Baine,	Gerard,	Moore,	Sowers,
Baker, J. J.,	Gillette,	Moran,	Spangler,
Baldi,	Green,	Muir,	Stevens,
Barnhardt,	Habbyshaw,	Murrin,	Stewart,
Bernhard,	Haberlen,	Nagel,	Stone,
Blumberg,	Hagerty,	Nothnagle,	Sumney,
Boose,	Haluska,	O'Keefe,	Surface,
Boyer,	Hamilton, F. P.,	Ominsky,	Terry,
Brancato,	Harkins,	Panton,	Tronzo,
Brennan,	Hart,	Parks,	Trout,
Brown, H. S.,	Hermansen,	Patterson, C.,	Tumelty,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Turner,
Brownfield,	Hindman,	Pearson,	VanAllsburg,
Brumbaugh,	Hirsch,	Peters,	VanSickle,
Burke,	Holstrom,	Pfaff,	Walker,
Cannon,	Hoopes,	Phillips,	Wall,
Caputo,	Horst,	Piole,	Wasserman,
Carson,	Jackson,	Powers,	Weidemann,
Chervenak,	Jones,	Reising,	Weiss,
Coakley,	Kelder,	Reynolds,	Welliver,
Cochran,	Kelso,	Rhys,	Welsh,
Cohen,	Kilroy,	Robinson,	Westrick,
Coleman,	Kinney,	Ruffennach,	Wickersham,
Condon,	Klinger,	Ruth,	Wilson,
Cordier,	Kobelak,	Sarraf,	Winner,
Decker,	LaRue,	Scanlon,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schwab,	Woodside,
Dilley,	Longaker,	Schwartz,	Yeakel,
Downey, G. E.,	Lovett,	Shaw,	Yourishin,
Duffort,	Lynch,	Shortz,	Zappala,
Eberharter,	Male,	Shreiner,	Sarig,
Eroe,	McCreary,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1868, entitled:

An Act to amend section nine hundred and five of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Ferko,	McDermott,	Siegel,
Alexander,	Finnerty,	McElroy,	Simpson,
Altenburg,	Fitch,	McHenry,	Sloan,
Andrews,	Flanagan,	McKinney,	Smith, J. A.,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, W. G.,
Atkins,	Furman,	Mentzer,	Snyder, F. E.,
Aukerman,	Gates,	Moomaw,	Snyder, J. L.,
Baine,	Gerard,	Moore,	Sowers,
Baker, J. J.,	Gillette,	Moran,	Spangler,
Baldi,	Green,	Muir,	Stevens,
Barnhardt,	Habbyshaw,	Murrin,	Stewart,
Bernhard,	Haberlen,	Nagel,	Stone,
Blumberg,	Hagerty,	Nothnagle,	Sumney,
Boose,	Haluska,	O'Keefe,	Surface,
Boyer,	Hamilton, F. P.,	Ominsky,	Terry,
Brancato,	Harkins,	Panton,	Tronzo,
Brennan,	Hart,	Parks,	Trout,
Brown, H. S.,	Hermansen,	Patterson, C.,	Tumelty,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Turner,
Brownfield,	Hindman,	Pearson,	VanAllsburg,
Brumbaugh,	Hirsch,	Peters,	VanSickle,
Burke,	Holstrom,	Pfaff,	Walker,
Cannon,	Hoopes,	Phillips,	Wall,
Caputo,	Horst,	Piole,	Wasserman,
Carson,	Jackson,	Powers,	Weidemann,
Chervenak,	Jones,	Reising,	Weiss,
Coakley,	Kelder,	Reynolds,	Welliver,
Cochran,	Kelso,	Rhys,	Welsh,
Cohen,	Kilroy,	Robinson,	Westrick,
Coleman,	Kinney,	Ruffennach,	Wickersham,
Condon,	Klinger,	Ruth,	Wilson,
Cordier,	Kobelak,	Sarraf,	Winner,
Decker,	LaRue,	Scanlon,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schwab,	Woodside,
Dilley,	Longaker,	Schwartz,	Yeakel,
Downey, G. E.,	Lovett,	Shaw,	Yourishin,
Duffort,	Lynch,	Shortz,	Zappala,
Eberharter,	Male,	Shreiner,	Sarig,
Eroe,	McCreary,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2428 (Senate Bill No. 616), as follows.

An Act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or schoool taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal semi-annual instalments beginning June first one thousand nine hundred and thirty-five and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

Section 2 In case any taxpayer shall default in the payment of any instalment of taxes or in the payment of current taxes as required in section one of this act the penalties and interest or penalties as the case may be on the instalments of such delinquent taxes remaining shall not be abated but shall remain due and payable as provided by existing law

Section 3 The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county and the taxpayer shall not become liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 4 This act shall become effective immediately upon final enactment

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Finnerty,	McDermott,	Shugarts,
Alexander,	Fitch,	McElroy,	Siegel,
Altenburg,	Flanagan,	McHenry,	Simpson,
Andrews,	Flinchbaugh,	McKinney,	Sloan,
Arnold,	Furman,	Melchiorre,	Smith, J. A.,
Atkins,	Gates,	Mentzer,	Smith, W. G.,
Aukerman,	Gerard,	Moomaw,	Snyder, F. E.,
Baine,	Gillette,	Moore,	Snyder, J. L.,
Baker, J. J.,	Green,	Moran,	Sowers,
Baldi,	Habbyshaw,	Muir,	Spangler,
Barnhardt,	Haberlen,	Murrin,	Stevens,
Bernhard,	Hagerty,	Nagel,	Stewart,
Blumberg,	Haluska,	Nothnagle,	Stone,
Boose,	Hamilton, F. P.,	O'Keefe,	Sumney,
Boyer,	Harkins,	Ominsky,	Surface,
Brancato,	Hart,	Panton,	Terry,
Brennan,	Hermansen,	Parks,	Tronzo,
Brown, H. S.,	Hetrick,	Patterson, C.,	Trout,
Brown, J. E.,	Hindman,	Patterson, J. W.,	Tumelty,
Brumbaugh,	Hirsch,	Pearson,	Turner,
Brownfield,	Holstrom,	Peters,	VanAllsburg,
Burke,	Hoopes,	Pfaff,	VanSickle,
Cannon,	Horst,	Phillips,	Walker,
Caputo,	Jackson,	Piole,	Wall,
Carson,	Jones,	Powers,	Wasserman,
Chervenak,	Kelder,	Reising,	Weidemann,
Coakley,	Kelso,	Reynolds,	Weiss,
Cochran,	Kilroy,	Rhys,	Welliver,
Cohen,	Kinney,	Robinson,	Welsh,
Coleman,	Klinger,	Ruffennach,	Westrick,
Condon,	Kobelak,	Ruth,	Wickersham,
Cordier,	LaRue,	Sarraf,	Wilson,
Decker,	Linderman,	Scanlon,	Winner,
Dent,	Long,	Schrock,	Witkin,
Diehl,	Longaker,	Schwab,	Wood,
Dilley,	Lovett,	Schwartz,	Woodside,
Downey, G. E.,	Lynch,	Shaw,	Yeakel,
Duffort,	Male,	Shortz,	Yourishin,
Eberharter,	McCreary,	Shreiner,	Zappala,
Eroe,			Sarig,
Ferko,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

TIME EXTENDED ON BILL

Mr. ANDREWS. Mr. Speaker, I move that the time on House Bill No. 932 Printer's No. 383, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

on page 30 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. TURNER. Mr. Speaker, I move that the time on House Bill No. 9, Printer's No. 696, entitled:

An Act to amend clause I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to light the streets highways and public places and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

on page 30 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

RESOLUTION

THANKS EXTENDED TO GOVERNOR AND MRS. EARLE

Mr. RUTH asked and obtained unanimous consent to offer the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, May 2, 1935.

Resolved, That the thanks of the Members of the House of Representatives be extended to the Governor and Mrs. Earle for the reception given, at the Executive Mansion, to the Legislators and their families, on the evening of May first, 1935.

Resolved, That a copy of this resolution be transmitted to the Governor and Mrs. Earle by the Chief Clerk of this House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1838.

An Act requiring cities of the second second A and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "the" the words "second second A" and inserting in lieu thereof the words "second and."

Amend Section 1, page 1, line 4, by striking out after the word "the" the words "second second A and", and inserting in lieu thereof the words "second and."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Finnerty,	McDermott,	Shugarts,
Alexander,	Fitch,	McElroy,	Siegel,
Altenburg,	Flanagan,	McHenry,	Simpson,
Andrews,	Flinchbaugh,	McKinney,	Sloan,
Arnold,	Furman,	Melchiorre,	Smith, J. A.,
Atkins,	Gates,	Mentzer,	Smith, W. G.,
Aukerman,	Gerard,	Moomaw,	Snyder, F. E.,
Baine,	Gillette,	Moore,	Snyder, J. L.,
Baker, J. J.,	Green,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Murrin,	Stevens,
Blumberg,	Hagerty,	Nagel,	Stewart,
Boose,	Haluska,	Nothnagle,	Stone,
Boyer,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Harkins,	Ominsky,	Surface,
Brennan,	Hart,	Panton,	Terry,
Brown, H. S.,	Hermansen,	Parks,	Tronzo,
Brown, J. E.,	Hetrick,	Patterson, C.,	Trout,
Brownfield,	Hindman,	Patterson, J. W.,	Tumelty,
Brumbaugh,	Hirsch,	Pearson,	Turner,
Burke,	Holstrom,	Peters,	VanAllsburg,
Cannon,	Hoopes,	Pfaff,	VanSickle,
Caputo,	Horst,	Phillips,	Walker,
Carson,	Jackson,	Piole,	Wall,
Chervenak,	Jones,	Powers,	Wasserman,
Coakley,	Kelder,	Reising,	Weidemann,
Cochran,	Kelso,	Reynolds,	Weiss,
Cohen,	Kilroy,	Rhys,	Welliver,
Coleman,	Kinney,	Robinson,	Welsh,
Condon,	Klinger,	Ruffennach,	Westrick,
Cordier,	Kobelak,	Ruth,	Wickersham,
Decker,	LaRue,	Sarraf,	Wilson,
Dent,	Linderman,	Scanlon,	Winner,
Diehl,	Long,	Schrock,	Witkin,
Dilley,	Longaker,	Schwab,	Wood,
Downey, G. E.,	Lovett,	Schwartz,	Woodside,
Duffort,	Lynch,	Shaw,	Yeakel,
Eberharter,	Male,	Shortz,	Yourishin,
Eroe,	McCreary,	Shreiner,	Zappala,
Ferko,			Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 445

Commonwealth of Pennsylvania,
Governors Office, Harrisburg, May 1, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 445, Printer's No. 154, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. HIRSCH. Mr. Speaker, I move that the bill together with the communication be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 552, 1023, and 1043

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 552, Printer's No. 748, entitled, "An Act authorizing the insurance of deposits of funds of this Commonwealth and of the political subdivisions thereof with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured."

House Bill No. 1023, Printer's No. 755, entitled, "An Act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines."

House Bill No. 1043, Printer's No. 146, entitled, "An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (P. L. 50) entitled 'An act to permit disabled soldiers to peddle by procuring a license therefore without charge' as amended governing the issuing of licenses."

GEORGE H. EARLE.

ADJOURNMENT

Mr. SLOAN. Mr. Speaker, I move that this House do now adjourn until Monday, May 6, 1935, at 9:00 P. M.

The motion was agreed to, and (at 11:14 A. M.) the House adjourned until Monday, May 6, 1935, at 9:00 P. M. (E. S. T.).

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, MAY 6, 1935 No. 57

SENATE

MONDAY, May 6, 1935.

The Senate met at nine o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Our Father, may life mean more to us than mere existence—may it mean more than the accumulation of fortunes and estates—may it mean more than the attainment of education and culture—may it mean more than the building up of moral character and the gaining of a reputation for honesty and square dealing with our fellow men. Make us to realize the possibility of attaining unto all these and yet missing the goal Thou hast set for us.

Thy standard is, "Hear, O Israel, the Lord thy God is our God, and thou shalt love Him with all thy mind and all thy heart and all thy strength; and thou shalt love thy neighbor as thyself."

God first, then our fellow men, self last. Search our hearts, O God, and if we are not making Thy plan for us our plan for ourselves, forgive us and remake our lives so that they measure up to Thy ideals and merit Thine approval.

Bless this the Senate of our beloved Commonwealth in its deliberations and decisions at this time. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions from various churches and organizations throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

FAVORING THE ADMINISTRATION'S PENDING TAX PROGRAMME

Mr. PRINCE presented petitions signed by hundreds of residents of Cumberland County favoring the administration's pending tax programme.

Which were referred to the Committee on Finance.

INFORMATION FURNISHED BY THE DEPARTMENT OF REVENUE

The Chair cleared his table and laid before the Senate the following communication:

May 1, 1935.

To The Senate of Pennsylvania:

On March 25, 1935 the Senate adopted a Resolution requesting certain information from the Secretary of Revenue.

A spot check has been made of the records of this Department. On the basis of this check the estimate of the various items on attached schedule has been based. It is impossible to make a detailed check because it would require months to complete the same.

If I can furnish any additional information in behalf of the Secretary do not hesitate to call upon me.

Respectfully yours,

M. Clyde Sheaffer,
Deputy Secretary of Revenue,
For H. Edgar Barnes,
Secretary of Revenue.

EXHIBIT "A"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

ESTIMATE OF CERTAIN ITEMS FOR THE YEAR 1932 APPLICABLE TO THE MANUFACTURING INDUSTRY

ITEM		ESTIMATE
State and Local Taxes		$ 30,198,232
Federal Taxes Paid		7,266,194
Rentals Paid		10,969,338
Net Loss		118,438,020
Value of Capital Stock of manufacturing companies used by Taxing Officers where part of capital nonmanufacturing activities	$2,631,795,480	
Value of Capital Stock of manufacturing companies fixed by officers of company where entire capital employed in manufacturing	655,418,640	
		$3,287,214,120

EXHIBIT "B"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

ESTIMATE OF CERTAIN ITEMS FOR THE YEAR 1932 APPLICABLE TO THE MANUFACTURING INDUSTRY

ITEM		ESTIMATE
State Taxes		$ 20,755,119
Federal Taxes Paid		17,396,561
Rentals Paid		11,444,745
Net Income		85,478,350
Value of Capital Stock of manufacturing companies used by Taxing Officers where part of capital in nonmanufacturing activities	$1,533,025,560	
Value of Capital Stock of manufacturing companies fixed by officers of company where entire capital employed in manufacturing	579,322,738	
		$2,112,348,298

The PRESIDENT. This report, prepared by the Department of Revenue, pursuant to a resolution of the Senate, will be made a matter of record in the Journal, for the information of the Senators, and is referred to the Committee on Finance.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 18 (Senate Bill No. 1178), entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchase of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act;" legalizing the home manufacture of wine.

Which was committed to the Committee on Judiciary Special.

House Bill No. 290 (Senate Bill No. 1179), entitled:

An Act to amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," by providing for the payment of borough funds only upon orders and only when there are sufficient funds available for the payment of such orders.

Which was committed to the Committee on Municipal Government.

House Bill No. 432 (Senate Bill No. 1180), entitled:

An Act giving to former owners of homesteads sold at sheriffs' sales the right to lease such homesteads for a period of two years from the date of any such sale, and also during said two year period the right to redeem such homestead from any such sale; and providing the procedure in such cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 926 (Senate Bill No. 1181), entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The general county assessment law" by abolishing the payment of taxes into court on appeals from assessments.

Which was committed to the Committee on County Government.

House Bill No. 1035 (Senate Bill No. 1182), entitled:

An Act to amend sections four, seven and nine of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (1933-34 P. L. 223), entitled "Veterans Compensation Act" clarifying certain service requirements of eligibility for compensation, stipulating the time within which application shall be made, and rendering certain additional classes eligible to receive compensation

Which was committed to the Committee on Military Affairs.

House Bill No. 1042 (Senate Bill No. 1183), entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their incorporation or right to do business within the Commonwealth.

Which was committed to the Committee on State Government.

House Bill No. 1221 (Senate Bill No. 1184), entitled:

An Act to amend a part of section one of the act approved the twelfth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and one) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens

Which was committed to the Committee on County Government.

House Bill No. 1826 (Senate Bill No. 1185), entitled:

An Act to amend section four hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honeybees.

Which was committed to the Committee on Agriculture.

House Bill No. 1942 (Senate Bill No. 1186), entitled:

An Act to amend article three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" by prohibiting letting of contracts for printing to printing establishments in which a county officer or employe is interested; and prescribing a penalty.

Which was committed to the Committee on County Government.

House Bill No. 2006 (Senate Bill No. 1187), entitled:

An Act to amend paragraph two of section two thousand four hundred and three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," authorizing the council of such cities to hire certified public accountants to audit the affairs of the city when it deems it necessary.

Which was committed to the Committee on Municipal Government.

House Bill No. 2028 (Senate Bill No. 1188), entitled:

An Act requiring the Water and Power Resources Board, in granting certain permits, to fix and collect annual charges and impose terms and conditions for the protection of the Commonwealth.

Which was committed to the Committee on State Government.

House Bill No. 2035 (Senate Bill No. 1189), entitled:

An Act to amend article fourteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" by requiring certain children between the ages of sixteen and eighteen to attend school.

Which was committed to the Committee on Education.

House Bill No. 2127 (Senate Bill No. 1190), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand inne hundred and thirty-three (P. L. 565), entitled "Department of Banking Code," by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision.

Which was committed to the Committee on Banking.

House Bill No. 2128 (Senate Bill No. 1191), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" as amended, by further providing for the powers and limitations upon the act of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons

Which was committed to the Committee on Banking.

House Bill No. 2130 (Senate Bill No. 1192), entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs", as amended, to authorize and empower boroughs to construct or acquire water-works and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof, secured solely by liens thereon, and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

Which was committed to the Committee on Public Utilities.

House Bill No. 2194 (Senate Bill No. 1193), entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," making it unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ.

Which was committed to the Committee on Education.

House Bill No. 2270 (Senate Bill No. 1194), entitled:

An Act to further amend section three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "Pymatuning Swamps Reservoir Project Law" confering additional powers and duties on the Water and Power Resources Board.

Which was committed to the Committee on Forests and Waters

House Bill No. 2332 (Senate Bill No. 1195), entitled:

An Act to enable city, county, poor, ward, school, borough and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years from the passage of this act.

Which was committed to the Committee on Municipal Government.

House Bill No. 2369 (Senate Bill No. 1196), entitled:

An Act to further amend section two hundred and fifteen of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L.762), entitled "General Poor Relief Act of 1925" by authorizing the law relating thereto," by authorizing directors of the poor of abolished poor districts to levy and collect such additional taxes as may be required to pay all outstanding debts.

Which was committed to the Committee on Municipal Government.

House Bill No. 2468 (Senate Bill No. 1197), entitled:

An Act calidating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by counties, cities, boroughs, towns, townships, school districts, poor districts and other incorporated districts of the Commonwealth for public works projects.

Which was committed to the Committee on Judiciary General.

House Bill No. 2476 (Senate Bill No. 1198), entitled:

An Act providing for the incurring or increasing of indebtedness by counties, cities, boroughs, towns, townships, school districts and poor districts, for the purpose of financing public works projects from the proceeds of loans or grants or both from the federal government or any agency thereof, prescribing the procedure to be followed in authorizing the issuance of bonds as evidence of such indebtedness, and their disposal at public sale or at private sale to the federal government or any agency thereof; authorizing counties, cities, boroughs, towns, townships, school districts and poor districts, to accept grants and enter into any contracts required in connection with the acceptance of any loan or grant or both or the construction of any project from the proceeds thereof; and providing for the expiration of the power conferred by this act on the thirtieth day of June, one thousand nine hundred and thirty-seven.

Which was committed to the Committee on Judiciary General.

House Bill No. 2483 (Senate Bill No. 1199), entitled:

An Act simplifying the procedure for the construction and financing of public works projects by counties, cities, towns, boroughs, townships, school districts, and poor districts; defining such agencies as political subdivisions; enabling such political subdivisions to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon such political subdivisions.

Which was committed to the Committee on Judiciary General.

House Bill No. 2547 (Senate Bill No. 1200), entitled:

An Act to amend section nine of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (1933-34 P. L. 223), entitled "Veterans Compensation Act" providing for the payment of veterans' compensation to the state of a deceased claimant if application therefor be made during the lifetime of the claimant.

Which was committed to the Committee on Military Affairs.

House Bill No. 2637 (Senate Bill No. 1201), entitled:

An Act imposing duties upon the Department of Health, and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances.

Which was committed to the Committee on Public Health.

House Bill No. 968 Senate Bill No. 1202), entitled:

An Act prohibiting certain persons from being interested in the manufacture or sale of machinery, equipment, materials, feed, supplies or other things used by milk producers and prescribing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 1147 (Senate Bill No. 1203), entitled:

An Act, creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and records, or portions thereof, under circumstances of poverty, and providing penalties for falsehood in applying for the benefits thereof.

Which was committed to the Committee on Judiciary General.

House Bill No. 1475 (Senate Bill No. 1204), entitled:

An Act to amend section one hundred and fifty of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," fixing the commissions of the county treasurer in certain counties for receiving and paying over malt liquor license moneys.

Which was committed to the Committee on County Government

House Bill No. 1524 (Senate Bill No. 1205), entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

Which was committed to the Committee on Judicial General.

House Bill No. 1692 (Senate Bill No. 1206), entitled:

A . Act to amend section one of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," limiting the time within which claims for refunds must be made.

Which was committed to the Committee on County Government.

House Bill No. 1886 (Senate Bill No. 1207), entitled:

An Act relating to criminal procedure; imposing upon magistrates, aldermen and justices of the peace conducting preliminary hearing the duty of obtaining two names of persons whom defendants desire notified of time of trial; and imposing upon the district attorney the duty of notifying such persons.

Which was committed to the Committee on Judiciary General.

House Bill No. 1947 (Senate Bill No. 1208), entitled:

An Act to amend clause (b) of section twenty-three of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 403), entitled "Wills Act of 1917" as amended; extending the period for a surviving spouse to elect to take under or against a will in case a will is contested.

Which was committed to the Committee on Judiciary General.

House Bill No. 1988 (Senate Bill No. 1209), entitled:

An Act authorizing the county commissioners of counties of the third class to appropriate funds of the county and to furnish space in any county building for the maintenance and support of any legal aid agency approved by the court of common pleas of such county.

Which was committed to the Committee on County Government.

House Bill No. 2064 (Senate Bill No. 1210), entitled

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school;; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation.

Which was committed to the Committee on State Government.

House Bill No. 2066 (Senate Bill No. 1211), entitled:

An Act to further amend section six of the act approved the third day of June, one thousand nine hundred nineteen (P. L. 366), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime, and the apprehension of criminals; providing for the equipment, maintenance and transportation of such police; providing for barracks and substations therefor; and prescribing penalties," by increasing and revising the personnel of the State Police Force.

Which was committed to the Committee on State Government.

House Bill No. 2099 (Senate Bill No. 1212), entitled:

An Act to amend section one of article fourteen of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "Bituminous Coal Mining Law" by requiring the erection of wash houses under certain conditions at bituminous mines in this Commonwealth.

Which was committed to the Committee on Mines and Mining.

House Bill No. 2203 (Senate Bill No. 1213), entitled:

An Act to amend section fifteen of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-seven (P. L. 273), entitled "Securities Act," requiring dealers in securities to make reports of their financial condition.

Which was committed to the Committee on Banking.

House Bill No. 2205 (Senate Bill No. 1214), entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended providing for meetings of teachers.

Which was committed to the Committee on Education.

House Bill No. 2222 (Senate Bill No. 1215), entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth.

Which was committed to the Committee on Education.

House Bill No. 2242 (Senate Bill No. 1216), entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory, to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School.

Which was committed to the Committee on State Government.

House Bill No. 2293 Senate Bill No. 1217), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Cain Township, Chester County, Pennsylvania, for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States, and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with the United States on such land for the services of legal process thereupon.

Which was committed to the Committee on Federal Relations.

House Bill No. 2324 (Senate Bill No. 1218), entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained, from rabies, where there is no proof of such livestock having been bitten by dogs.

Which was committed to the Committee on Agriculture.

House Bill No. 2380 (Senate Bill No. 1219), entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation, and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

Which was committed to the Committee on Banking.

House Bill No. 2485 (Senate Bill No. 1220), entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction; authorizing agreements with boroughs, counties and public service companies; and making an appropriation.

Which was committed to the Committee on Highways.

House Bill No. 21 (Senate Bill No. 1221), entitled:

An Act authorizing courts of common pleas in certain cases to stay or continue proceedings under the provisions of the act, approved the twentieth day of April, one thousand nine hundred and five (P. L. 239), entitled "An Act providing for and defining the rights, remedies, duties, and liabilities of purchasers of real estate at judicial sales, and of their grantees, heirs and devisees, and of the persons then in possession thereof," and to stay writs of possession issued pursuant thereto; providing for the continuance of return days of such writs of possession; and authorizing execution thereon without issuance of further writs.

Which was committed to the Committee on Judiciary General.

House Bill No. 1439 (Senate Bill No. 1222), entitled:

An Act requiring insurance companies, after receiving notices of loss or damage from policy holders, to furnish them forms for filing proofs of claims.

Which was committed to the Committee on Insurance.

House Bill No. 1571 (Senate Bill No. 1223), entitled:

An Act to amend sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" by changing the conditions of the bond of the city treasurer as tax collector, and providing when liability on such bond shall cease.

Which was committed to the Committee on Municipal Government.

House Bill No. 1868 (Senate Bill No. 1224), entitled:

An Act to amend section nine hundred and five of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289), entitled "Non-profit Corporation Law."

Which was committed to the Committee on State Government.

House Bill No. 2017 (Senate Bill No. 1225), entitled:

An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth, and to provide for the administration thereof.

Which was committed to the Committee on Insurance.

House Bill No. 2030 (Senate Bill No. 1226), entitled:

An Act to amend the act, approved the twenty-eighth day of April, one thousand eight hundred eighty-seven (P. L. 63), entitled "An act in relation to the imprisonment, government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon" by revising and changing the method of paroling inmates from the Pennsylvania Industrial School and for their final discharge.

Which was committed to the Committee on Judiciary General.

House Bill No. 2051 (Senate Bill No. 1227), entitled:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes

or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by adding thereto township borough or incorporated town bridges.

Which was committed to the Committee on Highways.

House Bill No. 2406 (Senate Bill No. 1228), entitled:

An Act to authorize cities, boroughs, towns and townships and the Commonwealth, its subdivisions and agencies to co-operate with housing authorities and the United States of America by rendering services, conveying or leasing property, and providing for streets, road and other facilities; to require any city located within a housing authority to make an appropriation for the first year's administrative expenses of such authority; and to authorize cities, boroughs, towns and townships located within housing authorities to make grants and lend money to such housing authorities.

Which was committed to the Committee on Public Health.

House Bill No. 2056 (Senate Bill No. 1229), entitled:

An Act to amend sections one and three of the act approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred nine), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place, and benefits for improvements.

Which was committed to the Committee on Highways.

HOUSE CONCURRS IN SENATE BILL NO. 560

He also returned to the Senate, Senate Bill No. 560, entitled:

An Act authorizing the court of common pleas in each county of the second class to order and direct thep rothonotary of such county to keep two separate indexes or dockets for judgments or liens, one to be known as the general judgment or lien index or docket, and the other to be known as the in rem judgment or lien index or docket.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 520

He also returned to the Senate, Senate Bill No. 520, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1838

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1838, entitled:

An Act requiring cities to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year, except in emergency cases.

AMENDMENT TO HOUSE BILL NO. 1815 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1815, entitled:

An Act to amend section five of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," providing that dishes, glasses, and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading was reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, were twice read as follows:

Amend page 2 by adding the following section after line 19 "This act shall become effective immediately upon its final enactment".

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Sordoni,
Buckman,	Huffman,	Rankin,	Staudenmeier,
Cavalcante,	Hunsicker,	Reed,	Thompson,
Chapman,	Kahle,	(Dauphin)	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 712 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. McGINNIS. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bills.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 11 by inserting after the preposition "to" the following: "the registration of and conducting a business bar;" also by inserting after the word "licensed" in line 11 the following: "registered and in active operation;" also page 2 by inserting at the beginning of line 17 the words "nor register;" also by inserting after the word "licensed" in line 17 the word "registered;" also line by inserting in line 18 after the word "operation" the following: "and no corporation shall be permitted to conduct the business or profession of undertaking which has not already been so licensed and registered and in active operation."

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Sordoni,
Buckman,	Huffman,	Rankin,	Staudenmeier,
Cavalcante,	Hunsicker,	Reed,	Thompson,
Chapman,	Kahle,	(Dauphin)	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 616 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 616, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest, on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. SALUS. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bills.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Page 3 line 11 by striking out the words "and the allowance of discounts;" line 15 strike out the word "but" and insert the word "and;" after the word "shall" insert the word "not"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Sordoni,
Buckman,	Huffman,	Rankin,	Staudenmeier,
Cavalcante,	Hunsicker,	Reed,	Thompson,
Chapman,	Kahle,	(Dauphin)	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

MEMORIALIZING PRESIDENT OF THE UNITED STATES AND CONGRESS TO FIX MINIMUM AGE FOR OLD AGE PENSION OR SECURITY AT SIXTY YEARS

He also presented extract from the Journal of the House of Representatives which was twice read as follows:

In the House of Representatives, January 23, 1935.

Whereas, Persons now past forty-five years of age find great difficulty in obtaining employment and especially so because labor saving machinery has in effect dispensed with their services in the economic system of production, and,

Whereas, It is only right and proper that labor saving machinery having dispensed with their services should in turn bear the taxation necessary to secure to them the right to live, therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that the Federal Government be memorialized to fix the minimum age for Old Age Pension at not greater than sixty years and, be it further

Resolved, That copies of this Resolution be transmitted by the Speaker and the Chief Clerk of this House to the President of the United States, the Vice President, and the President of the Senate, and to the Speaker of the House of Representatives and to all the Senators and Represen-

tatives in the Congress of the United States from the Commonwealth of Pennsylvania.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The Resolution will be referred to the Committee on Federal Relations.

REPORTS FROM COMMITTEES

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 850, entitled:

An Act making an appropriation to the Ashland State Hospital, Ashland, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 851, entitled:

An Act making an appropriation to the Locust Mountain State Hospital, Shenandoah, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 847, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the General Maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 248, entitled:

An Act making an appropriation to the Pennsylvania School for the Deaf at Mount Airy Philadelphia to cover additional cost of maintenance and education of State pupils.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 565, entitled:

An Act making an appropriation to the Elk County General Hospital, Ridgway, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 582, entitled:

An Act making an appropriation to the Lock Haven Hospital, Lock Haven, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 583, entitled:

An Act making an appropriation to the Renovo Hospital, Renovo, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 260, entitled:

An Act making an appropriation to the Maternity Hospital, Philadelphia, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 328, entitled:

An Act making an appropriation to the Women's Homeopathic Hospital, Philadelphia, Pennsylvania (now known as Broad Street Hospital, Philadelphia, Pennsylvania).

Also from the Committee on Appropriations reported as committed, Senate Bill No. 309, entitled:

An Act making an appropriation to the Pennsylvania Society to protect children from cruelty located at four hundred and fifteen South Fifteenth Street Philadelphia Pennsylvania

Also from the Committee on Appropriations reported as committed, Senate Bill No. 259, entitled:

An Act making an appropriation to the Contributors to the Pennsylvania Hospital of Philadelphia, Pennsylvania, for the maintenance of its department for the sick and injured.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 258, entitled:

An Act making an appropriation to the Lying-in Charity Hospital, Philadelphia, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 306, entitled:

An Act making an appropriation to the Department of Military Affairs for payment of property damages occasioned by a motor truck, the property of the Federal Government, issued to and in possession of the National Guard of Pennsylvania.

BILLS INTRODUCED

Mr. BATCHELOR read in his place and presented to the Chair Senate Bill No. 1230, entitled:

An Act to amend Route Seventy-seven of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of material to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by revisions of this act,"

Which was committed to the Committee on Highways.

Mr. GRAFF (by Request) read in his place and presented to the Chair Senate Bill No. 1231, entitled:

An Act to repeal the act approved the first day of June, one thousand eight hundred and eighty-three (P. L. 57), entitled "An act to prevent the placing in peril the life and limbs of performers or exhibitors in places of public amusement."

Which was committed to the Committee on Judiciary Special.

Mr. THOMPSON (Westmoreland) read in his place and presented to the Chair Senate Bill No. 1232, entitled:

An Act to amend section seven of the act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," as amended, further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases.

Which was committed to the Committee on Judiciary General.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 1233, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Warren.

Which was committed to the Committee on Highways.

Mr. SORDONI read in his place and presented to the Chair, Senate Bill No. 1234, entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian.

Which was committee to the Committee on Judiciary General.

Mr. REED (Dauphin) read in his place and presented to the Chair Senate Bill No. 1235, entitled:

An Act to further amend section ten of the act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draftsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same. and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof, conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of a State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highway; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the construction, reconstruction and maintenance of foot bridges over certain bridges by the Department of Highways.

Which was committed to the Committee on Highways.

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 1236, entitled:

An Act to amend section three hundred and six of the act aproved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing a rule for the investment of funds given granted, conveyed, bequeathed, devised to, or otherwise invested in corporations formed for religious, educational, scientific or charitable purposes.

Which was committed to the Committee on Banking.

Mr. BUCKMAN read in his place and presented to the Chair, Senate Bill No. 1237, entitled:

An Act to prevent the plaintiff in a civil suit from suffering a voluntary non-suit after the defendant has offered evidence.

Which was committed to the Committee on Judiciary General.

Mr. GELDER read in his place and presented to the Chair Senate Bill No. 1238, entitled:

An Act to authorize the Secretary of Highways to construct, reconstruct and maintain tunnels, either as public highways or as self-liquidating projects, and providing the procedure for the ascertainment and payment of damages in connection therewith.

Which was committed to the Committee on Highways.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 1239, entitled:

An Act making an appropriation to the Secretary of Property and Supplies for the payment of the claim of the plumbing subcontractor in connection with certain work at the California State Teachers College.

Which was committed to the Committee on Appropriations.

Mr. THOMPSON (Centre) read in his place and presented to the Chair Senate Bill No. 1240, entitled:

An Act making an appropriation to the Alpha Fire Company Incorporated for the protection of property of the Pennsylvania State College.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 1241, entitled:

An Act to amend section four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled " An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment fund.

Which was committed to the Committee on State Government.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 1242, entitled:

An Act to amend section four of the act approved the twenty-second day of July, one thousand nine hundred and nineteen (P. L. 1093), entitled "An act creating, in counties having a population of from eight hundred thousand to one million five hundred thousand, a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; fixing thir salaries, payable by the county; defining the powers and duties of such board, and regulating the assessment of property and occupations for State and county purposes; authorizing the appointment of subordinate assessors and clerks, defining their duties and providing for their compensation, payable by such counties; imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act, and abolishing the office of ward, borough, and township assessor, in so far as respects the assessment of property and occupations for State and county purposes;" providing that the Board of Assessors of cities of the second class shall, for the year one thousand nine hundred and thirty-six, and subsequent years, furnish annually to the Board for the Assessment and Revision of Taxes of said Counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities; and further providing that, in the appointment of subordinate county assessors, only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery.

Which was committed to the Committee on Municipal Government.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 1243, entitled:

An Act to amend section one thousand and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain state departments, commissions, and officers, authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain cast and parts of acts relating to corporations," providing the method by which a foreign business corporation may change the address of its registered office.

Which was committed to the Committee on Corporations.

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 1244, entitled:

An Act to amend the title and the act approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (P. L. 367), entitled "An act providing for the improvement or repair by the Department of Highways of any portion of a road or highway lying within the area of State forest lands which is deemed necessary to the development, protection, or use by the public of any such forest lands now possessed or hereafter acquired by the Commonwealth and providing for the expense to be borne by the Commonwealth or by the Commonwealth, county, and township upon such terms and conditions as may be mutually agreed upon," extending the provisions of said act to roads and highways within the area of State forest lands and increasing the amount which may be expended annually by the department on roads in State forests and State parks.

Which was committed to the Committee on Highways.

Mr. RUPP read in his place and presented to the Chair Senate Bill No. 1245, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lehigh.

Which was committed to the Committee on Highways.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 1246, entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto, and imposing no municipal liability, existing or created at the time of the original acquisition of such water-works, by the issue of refunding bonds secured solely by liens, and imposing no municipal liability.

Which was committed to the Committee on Municipal Government.

Mr. OWLETT read in his place and presented to the Chair Senate Bill No. 1247, entitled:

An Act requiring persons selling, attempting to sell, or soliciting the Pennsylvania liquor Control Board to purchase vinous, and spiritous liquors for sale in Pennsylvania Liquor Stores to register in a record or book provided for such purposes; and providing penalties.

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair, Senate Bill No. 1248, entitled:

An Act to amend section nine of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture; and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties;" extending the time within which certificates of registration may be issued without examination.

Which was committed to the Committee on State Government.

REPORT FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 969 (House Bill No. 1932), entitled:

An Act making an appropriation to the committee created by a resolution of the House of Representatives to investigate the cost of the transportation of anthracite coal

COMMUNICATION FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

I beg to transmit a telegram received tonight from Federal Emergency Relief Administrator Harry L. Hopkins. The telegram follows:

May 6, 1935.

"Hon. George H. Earle,
Governor of Pennsylvania,
Harrisburg, Pa.

"Appreciate your desire to co-operate with the Federal Government in meeting needs of unemployed Must advise that even though Legislature passes tax measures which would at some future date provide Pennsylvania's share it will be necessary that an amount of at least three million per month must be made available immediately as a condition for any further grants with the understanding that this is to be increased up to a total of sixty million for the year as tax receipts progressively increase.

(Signed) HARRY L. HOPKINS."

Mr. Hopkins' telegram is pursuant to a conference held in his office at Washington on Thursday, May 2, attended by a sub-Committee of the Senate, the State Relief Administrator, and the Governor.

At that conference, the Federal Emergency Relief Administrator stated that Pennsylvania, beginning May 15th, must contribute $5,000,000 a month in cash toward the present approximate $20,000,000 cost of unemployment relief; or, in place thereof, must enact a $60,000,000 tax program specifically earmarked for unemployment relief for the ensuing year.

Mr. Hopkins at the conference made the further statement that in the event of the enactment of a $60,000,000 unemployment relief tax program, that such a program must insure a "substantial monthly cash contribution for unemployment relief. His present telegram, quoted above, fixes $3,000,000 in cash as Pennsylvania's initial monthly minimum contribution for unemployment relief under any tax program to be enacted by the Legislature, with further monthly cash contributions to be graded upward until $60,000,000 has been contributed by the State for the full year.

Inasmuch as present unemployment relief funds will be entirely expended on May 15th, and as but nine days remain until that date, I beg to call your attention to the urgency of the crisis which confronts our 1,750,000 unemployed, needy men, women and children now on unemployment relief rolls.

Again, Gentlemen of the Senate, I appeal to your humanity for immediate action in this situation, so that we may avert a complete breakdown of unemployment relief on May 15th in this Commonwealth.

GEORGE H. EARLE.

The PRESIDENT. The communication from His Excellency the Governor of the Commonwealth will be made a matter of record in the Official Journal, and is referred to the Committee on Finance for their information.

APPROVAL OF SENATE BILL NO. 141

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 141, Printer's No. 358, entitled, "An Act Authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district and poor district taxes."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF PENNSYLVANIA STATE BOARD OF CENSORS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Mrs. Hester M. Fye, of Waynesburg, Greene County, as a member of the Pennsylvania State Board of Censors, vice Mrs. Mary J. Kerr, whose term expired, to serve until the third Tuesday of January, 1939, and until her successor shall have been appointed and qualified.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

MONTGOMERY COUNTY

Mrs. Rebecca R. Shelly, Norristown, May 12, 1935.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Louis M. Sachs, 1522 Centre Ave., Pittsburgh.
F. E. Shaughnessy, 7216 Kelly St., Pittsburgh.

LAWRENCE COUNTY

J. Clyde Gilfillan, New Castle.

MONROE COUNTY

Ralph W. E. Macnichol, Stroudsburg.

PHILADELPHIA COUNTY

Emanuel J. Carr, 5027 Baltimore Ave., Philadelphia.
Mrs. Anna R. McBride, S. E. Cor. Limekiln and Haines St., Philadelphia.
Byron A. Thalheimer, S. Cor. 5th and Olney Ave., Philadelphia.

SCHUYLKILL COUNTY

Joseph Boruch, Minersville.

UNION COUNTY

Benton E. Herrold, Lewisburg.

WESTMORELAND COUNTY

Frank K. McKlveen, Southwest Greensburg.

ALLEGHENY COUNTY

John W. Ford, Koppers Bldg., Pittsburgh.

GEORGE H. EARLE.

RESOLUTION GRANTING PERMISSION TO USE OF THE SENATE CHAMBER FOR A PUBLIC HEARING

Mr. HUNSICKER offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1935.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on Labor and Industry for the use of the Senate Chamber for a public hearing on House Bill Number 1199, on Tuesday, May 21, 1935, at 8 P. M.

TIME OF NEXT MEETING

Mr. GELDER offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 8, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 13th, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, May 13th, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION REQUESTING INFORMATION FROM THE BOARD OF FISH COMMISSIONERS

Mr. HUFFMAN offered the following resolution, which was twice read:

In the Senate of Pennsylvania, May 6, 1935.

Resolved, That the Board of Fish Commissioners is hereby directed to furnish to the Senate not later than Monday, May 20, 1935, a detailed financial statement covering each of the fiscal years 1931-1932, 1932-1933, and 1933-1934, setting forth (a) the income from all sources, (b) the amounts expended for salaries, wages and other compensation, showing separately the amount expended in the central office, at fish hatcheries and for wardens, (c) the cost of operating the several fish hatcheries, (d) the amounts expended for the acquisition, construction and maintenance of properties, (e) the number of fish produced at the several fish hatcheries and the cost of production, setting forth also the value thereof, (f) the number of fish purchased and the price paid therefore, and (g) such other financial information as the Board of Fish Commissioners deem necessary to present to the Senate for its information;

Resolved, That a copy of this resolution be transmitted to the Board of Fish Commissioners by the Chief Clerk of the Senate.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. THOMPSON (Westmoreland). Mr. President, I object.

The PRESIDENT. The Chair hears objection. The resolution is referred to the Committee on Game and Fisheries.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 631, as follows:

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" are hereby amended to read as follows

Section 5 Annually on or before the fifteenth day of [November] December an association applying for the benefits of this act shall file with the Auditor General a statement sworn to by its president attested by its secretary with corporate seal attached setting forth the name of the association the time and place of the exhibition and the amount of premiums actually paid giving the names and addresses of the persons to whom such premiums were paid and in what class kind or department

Any association which applied for the benefits of this act during the years of one thousand nine hundred and thirty-three or one thousand nine hundred and thirty-four or both which complied with the provisions of the act in all respects except in that the statement herein required to be filed with the Auditor General was not filed at the time heretofore specified by the act but was subsequently filed on or before the fifteenth day of December of the year in which the exhibition was held shall be deemed to have fully complied with the requirements of the act and payment of such benefits shall be made to such associations within thirty days after the effective date of this amendment

Section 6 Payments to incorporated agricultural associations under the provisions of this act shall be made by the State Treasurer upon warrant of the Auditor General issued on or before the fifteenth day of [December] January of the year following the year in which the exhibition is held

Section 2 The payments herein required to be made to associations whose statements for the years one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four were not filed in time shall be made from moneys appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-five for aid to agricultural associations in accordance with law

Section 3 This act shall become effective June first one thousand nine hundred and thirty-five

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 751, as follows:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties part of the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created in each county of this Commonwealth a County Assistance Board composed of five citizens two of whom shall be appointed by the Governor and two of whom shall be appointed by the county commissioners The appointed members of the board shall hold office for two years and until their successors are appointed and shall at all times be subject to removal by the appointing power The members of County Assistance Boards shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties Each County Assistance Board with the consent and approval of the county commissioners of the county shall have power to employ such experts clerks and assistants as may be deemed necessary to discharge the duties imposed by this act and to fix their compensation Such compensation and the other administrative expenses of a county assistance board shall be paid from funds allocated to the county for unemployment relief and by the county but not more than an amount equal to five per centum of the amount so allocated for any month shall be expended for salaries wages and other administrative expenses After the first day of January one thousand nine hundred and thirty-six one-third of the costs of administration of relief shall be paid by the several counties respectively and after the first day of September one thousand nine hundred and thirty-six one-half of such administration costs shall be paid by the county The county commissioners shall furnish to the County Assistance Board a suitable office or offices at the county seat the rental and expenses of operating which shall be deemed part of the administrative expense

Section 2 The County Assistance Boards created under this act shall supersede the local relief boards and agencies created by the State Emergency Relief Board for the distribution of unemployment relief

Section 3 The County Assistance Board in each county shall be the agency to expend under the direct supervision of the Governor money appropriated by the Commonwealth for unemployment relief and the moneys received from the Federal Government or any agency thereof for unemployment relief

All moneys hereafter appropriated by the Commonwealth for unemployment relief shall be appropriated to the Governor and all moneys received from the Federal Government or any agency thereof for relief and work relief shall be added to any appropriations made by the Commonwealth for such purposes and the Governor shall monthly allocate a portion of such moneys for expenditures in the several counties the monthly allocation to be reallocated to the various counties on a ratio that the estimated total number of unemployed persons in a county bears to the estimated total number of unemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry

Section 4 The Governor shall have power to employ a director of assistance and such other employes as he may deem necessary to perform the duties imposed upon him by this act He shall have power to require from each County Assistance Board such monthly or other periodic reports as he may deem necessary but each County Assistance Board shall be held responsible for the

expenditure of unemployment relief and determine the amounts to be allowed to individuals and families entitled to unemployment relief County assistance boards shall also designate and approve all work relief projects within their respective counties and fix the amount to be expended thereon except such projects as are selected by some properly authorized agency of the State or Federal Government Moneys allocated for unemployment relief shall be expended only for food clothing fuel shelter medical and dental care and work relief for residents who are within means of support except that Federal moneys made available for aid to transients may be expended for such purposes

Section 5 The moneys paid to a County Assistance Board from time to time shall be paid into the county treasury for safe keeping and shall be paid out of the county treasury under such system of requisition and accounting as the County Assistance Board and the county treasurer of the county shall by agreement establish Any county treasurer may with the consent of the County Assistance Board appoint one or more clerks to assist him in the performance of his duties in receiving any paying out moneys and the compensation of such clerks or clerks shall be paid as part of the administrative expense of the County Assistance Board

Section 6 No unemployment relief shall be granted by any county assistance board except upon written application of the person applying therefor setting forth such information as the board may require Every application for relief filed with a board shall be acted upon within one week after the same is filed

Section 7 Any member or employe of any County Assistance Board who shall expend or authorize the expenditure of any money allocated to it under the provisions of this act for any purpose other than one authorized by this act or by law or who shall knowingly give or authorize the giving of aid under the provisions of this act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this act when he or she is not legally entitled thereto because he or she has means of support or any person who shall sell any order issued to him or her by a County Assistance Board for cash or part cash or other consideration or sell any food clothing or fuel received for cash or other consideration shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to imprisonment for a term of not more than six months or both at the discretion of the court

Section 8 The expenditures of County Assistance Boards shall be audited from time to time by the Auditor General in the same manner as other expenditures of Commonwealth moneys and copies of such audits shall be furnished to each board whose accounts have been audited and to the Governor The books papers records and documents of any county assistance board shall be open to inspection by taxpayers during business hours

Section 9 The act approved the nineteenth day of August one thousand nine hundred and thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" is hereby repealed

Section 10 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 751

Mr. WOODWARD. Mr. President, I move to reconsider the vote by which Senate Bill No. 751 passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. WOODWARD. Mr. President, I voted "aye."

Mr. BATCHELOR. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. BATCHELOR. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. BATCHELOR. Mr. President, I ask unanimous consent to amend section 1, page 2, line 18, by inserting after the word "compensation" the following: "In counties of the fifth, sixth, seventh and eighth classes, all persons so employed shall have been residents of the county at least two years prior to the time of their employment, and no such expert, clerk or assistant so employed in any of said counties shall receive a compensation in excess of one hundred and fifty dollars ($150) per month;" also section 4, page 5, line 1, by inserting after the word "and" the word "shall;" also section 5, page 5, line 24, by striking out the word "any" and insert in lieu thereof the word: "and;" also section 7, page 6, line 19, by striking out the word "case" and insert in lieu thereof the word: "cash"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 928 (House Bill No. 1082), on third reading, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 112, entitled:

An Act relating to the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof, to cities, incorporated towns, boroughs and townships; prescribing the time, manner, basis and purposes for and upon which such said money shall be allocated and reallocated and paid, specifying the uses for which said moneys may be expended and imposing powers and duties upon the Department of Highways, the Auditor General, State Treasurer and on cities, boroughs, towns and townships and officers thereof and providing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. BUCKMAN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. SORDINI. Mr. President, I move that Senate Bill No. 252 (House Bill No. 39), on third reading, entitled:

An Act to promote the objects of the National Housing Act by authorizing building and loan associations, banks, bank and trust companies, savings banks, trust companies, insurance companies, associations and exchanges, to make loans pursuant to titles one and two of the National Housing Act and by authorizing executors, administrators, guardians, trustees, buliding and loan associations, banks, bank and trust companies, savings banks, trust companies, insurance companies, associations, and exchanges to invest in mortgages insured and in debentures issued by the Federal Housing Administrator by authorizing building and loan associations banks bank and trust companies savings banks trust companies insurance companies associations and exchanges to invest in securities of national mortgage associations and providing for the use of such bonds debentures and other securities as collateral or deposit security

be recommitted to the Committee on Banking.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 404 (House Bill No. 815), as follows:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assisstants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assisstants and employes of certain departments boards and commissions shall be determined" requiring certain qualifications for the Adjutant General and establishing a board for the determination and payment of minor damages caused by the National Guard

Section Be it enacted by the Senate and House of Representatives of the Commonwealth of Pensylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assisstants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows:

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant Generals Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 2 That section one thousand four hundred and two of said act is hereby amended by adding thereto the following clause

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries occurring subsequent of July first one thousand nine hundred and thirty-one to persons or damages to property arising out of accident or negligence and incident to the organization training discipline maintenance and service of the Pennsylvania National Guard and upon the recommendation of the board so appointed to adjust and pay such claims for damages Provided however That each such claim shall be in an amount not exceeding two hundred and fifty dollars ($250) And provided further however That all claims paid hereunder shall be subject to audit by the Department of the Auditor General

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. BENNETT. Mr. President, I ask unanimous consent to amend page 5, by adding after line 2, the following section: "Section 3. This act shall become effective immediately upon final enactment."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 406 (House Bill 817), entitled:

An Act to amend section one of the aci approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classification

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAY—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. BENNETT. Mr. President, I ask unanimous consent that Senate Bill No. 407 (House Bill No. 851), on third reading, entitled:

An Act to amend paragraphs one and two of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. six hundred eighty-one), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" altering qualification requirements for the award of such medals

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 426 (House Bill 819), entitled:

An Act to amend sections five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensation for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonizing the act with Federal law.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BENNETT. Mr. President, I ask unanimous consent to amend page 13, by adding after line 19, the following section: "Section 7. This act sall become effective imemdiately upon final enactment."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 511 (House Bill No. 965), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 614, entitled:

An Act to add section four hundred and forty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the third class to appropriate money to county poor districts for hospital purposes

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 675 (House Bill No. 826), entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and thirty-three (P. L. 804) entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard" making such continuity of service effective for qualification for service medals.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 683 (House Bill No. 1245), entitled:

An Act to amend sections four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" eliminating compensation to owners whose property is destroyed to abate nuisances

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, I move to amend title, page 1, line 1 of title, by inserting after the word "sections" the following: "four thousand one hundred and forty" Amend title, page 1, line 8 of title, by inserting before the word "eliminating" the following: "restricting the right of cities to institute proceedings to declare certain properties nuisances and" Amend section 1, page 1, line 4, by inserting after the word "sections" the following: "four thousand one hundred and forty" Amend bill, page 2, by inserting after line 5, the following section: "Section 4140. Petition for Removal of Nuisances; Viewers.—The council of any city may, by resolution, authorize and empower the mayor of such city to present a petition to the court of common pleas of the county wherein such city is located, setting forth that any property (other than a colliery and property connected therewith), building, premises, business or occupation, specifying the same fully and describing the same accurately, located within said city has become a public nuisance, injurious or dangerous to the community and to the public health. Upon the presentation and hearing of such petition, if the nuisance complained of be not a nuisance, per se, then the court may appoint three viewers, from the county board of viewers, to go upon the premises where said nuisance is alleged to exist—at a time to be fixed in the order appointing the same, of which time due notice shall be given to all persons affected, which shall be not less than twenty nor more than thirty days from the date of the order making such appointment—and shall thereupon, being first duly sworn, view the property, premises, building, business or occupation, shall hear the parties, their witnesses and counsel, and shall make due report thereof to the court appointing them."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill 812 (House Bill No. 694), entitled:

An Act to amend section two of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within this Commonwealth of Pennsylvanai and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended providing for the service of process upon the Secretary of Revenue by registered mail.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill 861 (House Bill No. 1645), entitled:

An Act authorizing the Department of Property and Supples with the approval of the Governor to sell and convey a certain plot of land

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. BAUMER. Mr. President, at the request of the Welfare Department, I ask unanimous consent that Senate Bill No. 864 (House Bill No. 1776), on third reading, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1017, entitled:

An Act relating to the Pennsylvania State Park at Erie authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants and to acquire by purchase or eminent domain private property rights or interests in respect to any lands within said park

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1039, entitled:

An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL RECOMMITTED

Mr. MILLER. Mr. President, I move that Senate Bill No. 1052 (House Bill No. 1521), on third reading, entitled:

An Act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare

be recommitted to the Committee on Public Health.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. RODGERS. Mr. President, I ask unanimous consent that Senate Bill No. 150 (House Bill No. 147), on second reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. HARVEY. Mr. President, I move that Senate Bill No. 420 (House Bill No. 181), on second reading, entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna River to the Wyoming-Luzerne County line

be recommitted to the Committee on Game and Fisheries.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 594 (House Bill No. 1128), entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue and providing penalties

The first, second, third and fourth sections of the bill were read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Documentary Stamp Tax Act"

Section 2 The following words when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Document" A written instrument including the following

1 Any deed instrument or writing whereby any lands tenements or hereditaments or any interest therein shall be granted bargained sold or otherwise conveyed to the grantee purchaser or any other person

2 Any bond debenture or certificate or evidence of indebtedness of any person and any instrument however termed issued by any corporation with interest coupons attached or in registered form known generally as corporate securities except securities issed by this Commonwealth or any political subdivision thereof or by the United States Provided That every renewal of any of the foregoing documents shall constitute a new issue or document

3 Any written obligation to pay money including any promissory note except bank notes issued for circulation and notes issued to mutual insurance companies payable only on the happening of certain contingencies) nonnegotiable note judgment note and any executory contract for the payment of money which is executed or carried out in an instrument in writing except insurance policies and each renewal of any of the foregoing documents

4 Any mortgage which incorporates the certificate of indebtedness not otherwise shown in a separate instrument

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term person as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Value" (1) In the case of any document representing an obligation to pay money the full amount of such obligation Provided That where a document conditioned upon the repayment or payment of money is given in a penal sum greater than the full amount secured the term "value" shall mean the actual amount secured thereby

(2) In the case of any document granting bargaining selling or otherwise conveying any land tenement or hereditament or interest therein the amount of the actual consideration therefor exclusive of liens or other encumbranches thereon or exclusive of a commensurate part of the liens or other encumbrances thereon where such liens or other encumbrances also encumber other lands tenements or hereditaments Provided That where such document shall set forth a small or nominal consideration the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale or in the case of a gift from the actual monetary worth of the property granted bargained sold or otherwise conveyed which in either event shall not be less than the amount of the highest assessment of such lands tenements or hereditaments for local tax purposes

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Every person who makes executes issues or delivers any document or in whose behalf any document is made executed issued or delivered shall be subject to pay for and in respect to such document or for or in respect of the vellum parchment or paper upon which such document is written or printed a State tax at the rate of five cents (5c) for each one hundred dollars ($100.00) or fraction thereof of the value represented by such document payable at the time of making execution issuance or delivery of such document

Section 4 The payment of the tax imposed by this act shall be evidenced by the affixing of a documentary stamp or stamps to every document by the person making executing issuing or delivering such document Such stamps shall be affixed in such manner that their removal will require the continued application of steam or water and the person using or affixing such stamps shall write or stamp or cause to be written or stamped thereon the initials of his name and the date upon which such stamps are affixed or used so that such stamps may not again be used Provided That the department may prescribe such other method of cancellation as it may deem expedient

The fifth section of the bill was read as follows:

Section 5 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon documents and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the face value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of such sale delivery or consignment to such agent of such stamps All moneys paid into the State Treasury from the stamp tax imposed by this act shall be used only for unemployment relief purposes and for such purposes is hereby appropriated

On the question,

Will the Senate agree to the section?

Mr. GELDER. Mr. President, I move to amend section 5, page 5, line 25, by striking out the word "is" and inserting in lieu thereof: "are"

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth, seventh, eighth, ninth, tenth and eleventh sections of the bill were read as follows:

Section 6 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and means to be used in affixing or cancelling of stamps in substitution for or in addition to the method and means provided in this act

(b) The denominations and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 7 No document upon which tax is imposed by this act shall be made the basis of any action or other legal proceeding nor shall proof thereof be offered or received in evidence in any court of this Commonwealth unless a documentary stamp or stamps as provided in this act have been affixed thereto

Section 8 Every document upon which tax is imposed by this act when lodged with or presented to any recorder of deeds or prothonotary in this Commonwealth for recording shall set forth therein and as a part of such document the true full and complete value thereof or shall be accompanied by an affidavit executed by a responsible person connected with the transaction showing such connection and setting forth the true full and complete value thereof

Any such recorder of deeds or prothonotary who shall record any document upon which tax is imposed by this act without the proper documentary stamp or stamps affixed thereto as required by this act as is indicated in such document or accompanying affidavit shall upon summary conviction before any magistrate alderman or justice of the peace or other officer having the powers of a committing magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof undergo imprisonment for not more than ten (10) days Provided That when any document shall have been recorded it shall be presumed that all requirements of law affecting the title to any real property conveyed thereby have been complied with

Section 9 (a) It shall be unlawful for any person to

1 Make execute issue deliver or accept or cause to be made executed issued delivered or accepted any document without the full amount of tax thereon being duly paid or

2 Make use of any documentary stamp to denote payment of any tax imposed by this act without cancelling

such stamp as required by this act or as prescribed by the department or

3 Fail neglect or refuse to comply with or violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act

Any person violating any of the provisions of this subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200.00) and costs of prosecution or to undergo imprisonment of not more than sixty (60) days or both in the discretion of the court

(b) It shall be unlawful for any person to

1 Fraudulently cut tear or remove from a document and documentary stamp or

2 Fraudulently affix to any document upon which tax is imposed by this act any documentary stamp which has been cut torn or removed from any other document upon which tax is imposed by this act or any documentary stamp of insufficient value or any forged or counterfeited stamp or any impression of any forged or counterfeited stamp die plate or other article or

3 Wilfully remove or alter the cancellation marks of any documentary stamp or restore any such documentary stamp with intent to use or cause the same to be used after it has already been used or knowingly buy sell offer for sale or give away any such altered or restored stamp to any person for use or knowingly use the same or

4 Knowingly have in his possession any altered or restored documentary stamp which has been removed from any document upon which tax is imposed by this act Provided That the possession of such stamps shall be prima facie evidence of an intent to violate the provisions of this clause or

5 Knowingly or wilfully prepare keep sell offer for sale or have in his possession any forged or counterfeited documentary stamps

Any person violating any of the provisions of this subsection (b) shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than five (5) years or both in the discretion of the court

Section 10 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 11 This act shall become effective thirty days after its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

BILL OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 594 (House Bill No. 1128) on second reading, entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships association and corporations county officers and the Department of Revenue and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 661 (House Bill No. 862), entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

The second section of the bill was read as follows:

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale The term "retail dealer" shall include every person who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Retail Selling Price" The price per package to the consumer as advertised by the manufacturer and when such price is not so advertised or published it shall mean the usual customary or ordinary price paid by the consumer for each individual package of cigarettes within the Commonwealth and in all cases shall be the selling price before adding the amount of the tax In the event the retail selling price cannot be determined for any particular class of cigarettes the department shall have the power to establish the same by adding to the manufacturer's quoted or advertised price without discount the usual retailer's profit on the class of cigarettes in controversy

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend Section 2, page 2, lines 27, 28 and 29, by striking out all of said lines; also page 3, lines 1 to 9, both inclusive, by striking out all of said lines; also page 3, by inserting between lines 16 and 17 the following: "Cigarettes." Any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material excepting tobacco."

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows and agreed to:

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5.00) for each permit unless the applicant shall be the holder of a mercantile license in effect when the application is made in which case no permit fee shall be required

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5.00) except that no renewal fee shall be required if the applicant possesses a mercantile license effective when the application is made

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1.00)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one-half cent for each five cents or fractional part thereof of the retail selling price except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend Section 4, page 6, line 19, by striking out the word "one-half" and inserting in lieu thereof: "one"; also page 6, lines 19 and 20, by striking out the words "for each five cents or fractional part thereof of the retail selling price" and inserting in lieu thereof: "per ten cigarettes or fraction thereof"

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth, sixth, seventh, eighth, ninth, tenth and eleventh sections of the bill were read as follows and agreed to:

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes business so affix such stamps to each package of tobacco unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature there-

to The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and canceled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be torn and mutilated when the package is opened Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cigarettes and whenever the department shall sel consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) The diverse methods and conditions of sale of cigarettes in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsalable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

The twelfth section of the bill was read as follows:

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarettes permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend Section 12, page 11, line 22, by striking out the word "cigarettes" and inserting in lieu thereof: "cigarette"

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The thirteenth, fourteenth and fifteenth sections of the bill were read as follows and agreed to:

Section 13 All taxes and penalties received collected or recovered under the provisions of this act shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred and thirty-seven

The title of the bill was read as follows and agreed to:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 698 (House Bill No. 1267), entitled:

An Act to repeal the act approved the first day of June one thousand nine hundred and fifteen (P. L. 665) entitled "An act authorizing boroughs to redeem outstanding bonds and for the purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 699 (House Bill No. 1268), entitled:

An Act to repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (P. L. 250) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 797 (House Bill No. 1633), entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (P. L. 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 805, as follows:

An Act making an appropriation to the George F. Geisinger Memorial Hospital Danville Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the George F. Geisinger Memorial Hospital Danville Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time, ang agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 990 (House Bill No. 1631), as follows:

An Act to provide revenue by imposing a State excise tax upon all gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Gift Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise or organization owned by or with which is affiliated two or more persons or members

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Donee" Any person to whom a gift is made

"Donor" Any natural person making a gift

"Department" The Department of Revenue of this Commonwealth

"Gift" Any property real or personal tangible or intangible or any interest therein or income derived therefrom in trust or otherwise voluntarily granted or transferred either directly or indirectly by any devise whatever without consideration or for less than a full and adequate consideration by any donor Provided That in the case of any donor a resident of this Commonwealth the word "gift" shall not include any real or tangible personal property permanently located outside of this Commonwealth and in the case of a donor not a resident of this Commonwealth the word "gift" shall only include such property as is situated within this Commonwealth and subject to its taxing power and Provided further That the word "gift" shall not include property transferred money service or anything of value paid furnished or delivered by any person to or for any member of his immediate family reasonably necessary for current maintenance support and education

"Person" Every natural person association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 A State excise tax payable by the donor if he is a resident or by the donee if the donor is a nonresident is hereby imposed with respect to any gift in excess of two thousand dollars ($2000.00) at following rates

(a) Two per centum upon the clear value of any such gift made to the donor's father mother husband wife children lineal descedants born in lawful wedlock by any adopted children children of a former husband or wife or the wife or widow of the son of the donor and also upon the clear value of any gift made by the mother of an illegitimate child or by any person of whom the mother is a lineal descendant to such child his wife or widow and by any illegitimate child to his mother

(b) Ten per centum upon the clear value of any gift made to any person other than those set forth in subsection (a) of this section or to any body politic

Section 4 (a) If a gift is made in property of any nature whatsoever the clear market value thereof at the date of gift shall be considered the taxable value of the gift Provided That when any such property is sold or exchanged for less than a fair consideration in money or money's worth then the amount by which the clear market value of the property exceeded the consideration received shall for the purpose of this act be deemed a gift and shall be included in computing the amount of gifts

(b) The clear value of all gifts made during the year to the same donee by the same donor within the same calendar year shall be added together and the aggregate of such amounts shall be considered as one gift for the purposes of taxation under this act and the rates of tax prescribed in this act shall be applied to such aggregate of such amounts

Section 5 Nothing in this act is intended or shall in any wise be considered so that the provisions hereof shall conflict with or modify in any respect the provisions of the Transfer Inheritance or Estate Tax Law

Section 6 (a) Any voluntary gift made by any person to any corporation organized exclusively for charitable religious or educational purposes no part of the income of which inures to the benefit of any private shareholder shall not be considered a gift taxable under the provisions of this act

(b) Any voluntary contribution to any corporation trust community chest fund or foundation organized and operated exclusively for charitable purposes made by any person in any calendar year for the purpose of defraying the normal current expenditures of such corporation trust community chest fund or foundation during such calendar year or the next succeeding calendar year shall not be considered a gift taxable under the provisions of this act

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year Such report shall contain such information as the department may require

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such person may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the period covered by such estimated assessment or any other matter of defense whatsoever If a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to th date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior to the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or ad-

ditional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appear to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and the basis of such return is given or sent as heretofore thirty (30) days after notice of the assessment made on provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum From the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 18 Except as otherwise provided by the Constitution all taxes interest and penalties that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1150, as follows:

An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws

Section 1 (Fraternal Benefit Societies Defined) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any corporation society order or voluntary association without capital stock organized and carried on solely for the mutual benefit of its members and their beneficiaries and not for profit and having a lodge system and representative form of government or which limits its membership to a secret fraternity having a lodge system and representative form of government and which shall make provision for the payment of benefits in accordance with Section nine hereof is hereby declared to be a Fraternal Benefit Society

Section 2 (Lodge System Defined) Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known into which members shall be admitted in accordance with its constitution laws ritual rules and regulations and which shall provide for the holding of periodical meetings shall be deemed to be operating on the lodge system

Section 3 (Representative Form of Government Defined) Any society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body composed of representatives elected either by the members or by delegates elected directly or indirectly by the members together with such other members as may be prescribed by its constitution and laws provided that the elective members shall constitute a majority in number and not less than the number of votes required to amend its constitution and laws and provided further that the meetings of the supreme or governing body and the election of officer representatives or delegates shall be held as often as once in four calendar years No member under age sixteen shall have voice or vote in the management of the society No member officer representative or delegate shall vote by proxy

Section 4 (Exemption) Except as herein provided every fraternal benefit society secret fraternal beneficial society order or association and fraternal beneficial and relief association operating within the definition of Sectional shall be governed by this Act and shall be exempt from all provisions of the insurance laws of this Commonwealth not only in governmental relations with the Commonwealth but for every other purpose and no law hereafter enacted shall apply to them unless the will be expressly designated therein

Section 5 ("Insurer" Not to Apply) The word "Insurer" or any other general designation as used in the law now in force or hereafter enacted governing nay form of insurance whatsoever shall not apply to fraternal benefit societies unless expressly designated therein

Section 6 (Powers Granted) Every such society by its supreme governing or legislative body shall have power to make alter and amend its constitution and laws for the government of the society the management of its affairs the admission and classification of its members the control and regulation of the terms and conditions governing the issue of its benefit certificates and the character or kind of benefits or privileges payable or allowable thereunder the fixing and adjustment of the rates of contribution fees or dues payable by its members and the allotment of the same to the different funds of the society Such constitution and laws when made and altered and amended shall be the law governing the society and its officers board of directors or managers subordinate or constituent lodges councils or branches and all members and beneficiaries in their relation thereto Each society shall file with the Insurance Commissioner a duly certified copy of its constitution and laws as enacted and as changed added to or amended within ninety days after enactment Printed copies of the same duly certified by the Secretary or corresponding officer thereof shall be prima facie evidence of the legal adoption thereof

Section 7 (Collecting Sufficient Contributions) The laws of every such society from the date of the passage of this Act shall provide that if the stated periodical contributions of the members are insufficient to pay all matured claims in full and to provide for the payment of its benefit fund obligations valued upon a valuation by one of the standards authorized herein and for the creation and maintenance of the funds required by its laws additional or increased rates of contribution shall be collected from the members to meet such deficiency Such laws may also provide that each certificate shall be charged with its proportion of any deficiency disclosed by the valuation herein specified with lawful interest thereon

Section 8 (Waiver of Laws No Personal Responsibility) Unless authorized by express provisions in the constitution and laws of the society no subordinate lodge nor an yof its subordinate officers or members shall have power or authority on behalf of the society to waive or modify any of the provisions of the constitution and laws of the society nor to waive any violation forfeiture or default thereof No officer or member of any supreme grand or subordinate body of any such society shall be individually liable for th epayment of any of the benefits provided for in its constitution and laws but the same shall be payable only out of the funds of the society and in the manner provided by its laws

Section 9 (Powers to legislate and regulate) Every such society shall provide for the payment of death benefits and may provide for the erection of monuments to mark the graves of its deceased members and shall have power to make alter and amend its constitution and laws for the government of the society to arrange for the management of its affairs the admission and classification of its members to control and regulate terms and conditions governing the issuance of its beneficiary certificates the character or kind of benefits payable or allowable thereunder and the manner in which they are to be paid to fix and adjust rates of contribution fees or dues payable by its members and the allotment of the same to the different funds of the society

Section 10 (Liens) Any society may provide for the acceptance of liens against benefit certificates with interest at not less than four per centum per annum in lieu of cash payments but the total of such liens against any benefit certificate shall not exceed its share of the accumulation thereunder Any such society collecting a level rate of contribution under any of its benefit certificates based upon any table of mortality allowed for valuation purposes in this act may grant to members holding such certificates extended and paid up protection or such withdrawal equities as may be allowed under its constitution and laws but no such grants or privileges shall exceed in value the portion of the accumulations to the credit of such certificate at the time such grant or privilege is allowed

Subsection 1 (Certificates to Specify Amount and Conditions) Every beneficiary certificate shall specify the amount of benefits furnished thereunder and shall provide that the certificate charter or articles of incorporation or if a voluntary association the articles of such association the constitution and laws of the society the application for membership and medical examination or health certificate signed by the applicant and all amendments to each thereof shall constitute the agreement between the society and the member Copies of the same certified by the Secretary of the Society or corresponding officer shall be received in evidence of the terms and conditions thereof and any changes additions or amendments to said charter or articles of incorporation or articles of association of a voluntary association constitution or laws

made or enacted subsequent to the issuance of the beneficiary certificates shall bind the member and his beneficiaries and shall govern and control the agreement and in all respects the same as though such changes additions or amendments had been made prior to and were in force at the time of the application for membership

Subsection 2 (Other Benefits Permitted) Any society may enter into contracts in such other forms and granting such benefits as its laws may authorize when it shall provide for the accumulation and maintenance of assets required for the payment of such benefits when valued upon an interest basis not exceeding four per centum per annum and mortality standards adopted by it within the limitations provided in the statutes relating to fraternal benefit societies or at the option of the society in the statutes relating to life insurance companies Provided that any certificates issued on a renewable term basis shall set forth clearly thereon the successive future rates of contribution to be paid thereunder and same to be submitted to and approved by the Insurance Commissioner before being issued in this Commonwealth

Section 11 (Members and Beneficiaries) Any person may be admitted to beneficial or general or social membership in any society in such manner and upon such showing of eligibility as the laws of the society may provide and any beneficial member may direct any benefit to be paid to such person or persons entity or interest as may be permitted by the laws of the society provided that no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable in conformity with the provisions of the contract of membership and th emember shall have full right to change his beneficiary or beneficairies in accordance with the laws rules and regulations of the society

Section 12 (Beneficiary Predeceases Member) If any beneficiary under a certificate die before the member and no new designation shall have been made by him and the constitution and laws of the society shall have made no provision for such contingency the benefits under the certificate or certificates shall then be paid to the surviving beneficiary or beneficairies if any and if none of the beneficiaries named in the certificate shall survive the member the benefits shall then be paid to the executor or administrator of the deceased member to be by him paid over to or divided among the person or persons entitled to the personal estate of such deceased member under the intestate laws of the place of domicile of such member

Section 13 (Minimum Age for Admission) Any such society may admit to beneficial membership any person not less than sixteen and it shall be lawful for minors who have attained the age of sixteen years to make all needed contracts and assume all needful obligations to become members Nothing herein contained shall prevent such society from accepting general or social members

Section 14 (Funds) Any society may create maintain invest disburse and aply an emergency surplus or other fund consistent with the purposes for which such society is organized including hospital and health home thrift pension for its employes patriotic educational and relief or other funds in accordance with its laws Unless otherwise provided in the constitution and laws of the society such funds shall be held invested and disbursed for the use and benefit of the society and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof All societies hereafter incorporated or foreign societies hereafter admitted shall be one hundred per cent solvent according to the valuation requirements of this Act

Section 15 (Funds Securities) The funds from which benefits shall be paid and the funds from which expenses of the society shall be defrayed shall be derived from regular monthly or other periodical rates of contribution paid by the members of the society and accretions of said funds as apportioned in accordance with the constitution and laws of the society and no part of any funds set aside for the payment of benefits shall be used for expenses or other purposes that would impair the valuation of certificates herein provided Except as herein otherwise allowed every domestic society shall invest its funds only in securities permitted by the laws of this Commonwealth for the investment of the reserves of life insurance companies Unless the approval of the Insurance Commissioner shall b efirst obtained in writing no domestic society shall keep or maintain at a place outside this Commonwealth any securities or other assets except such as are necessary for the collection of current dues and to enable it to comply with the laws of any other state or foreign country for the purpose of transacting business therein

Section 16 (Benefits not Attachable) Every such society is hereby declared to be a charitable and benevolent institution and all of its funds shall be exempt from all and every state county district municipal and school tax other than taxes on real estate No money or other benefit charity relief or aid to be paid provided or rendered by any such society shall be liable to attachment garnishment or other process or be seized taken appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary or any other persons who may have a right thereunder either before or after payment

Section 17 (Incorporation) From and after the passage of this Act fifteen or more persons ten of whom shall be citizens and residents of this Commonwealth having associated themselves together as a fraternal benefit society may be incorporated under the provisions of this Act

First The articles of agreement must be signed in duplicate with the names and addresses of at least five of the subscribers and shall be acknowledged before some person empowered to receive acknowledgments of deeds and shall state

(a) The proposed corporate name of the society which shall not so closely resemble the name of any society or insurance company already transacting business in this Commonwealth as to mislead the public or to lead to confusion

(b) The purpose for which it is formed which shall not include more liberal powers than are granted by this Act Any lawful social intellectual educational charitable benevolent moral or religious advantages may however be set forth among the purposes of the society

(c) The mode in which its corporate powers are to be exercised

(d) The place where its principal office shall be located within this Commonwealth

(e) The names residence and official titles of all the officers trustees directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or to the ensuing election at which all such officers shall be elected by the supreme legislative or governing body which election shall be held not later than one year from the date of the issuance of the permanent certificate

Second Such articles of agreement and duly certified copies of the constitution and laws rules and regulations and copies of all proposed forms of benefit certificates applications therefor and circulars to be issued by such society and a bond in the sum of five thousand dollars with sureties approved by the Insurance Commissioner conditioned upon the return to applicants of the advanced payments as provided in this section if the organization is not complete within one year shall be filed with the Insurance Commissioner He may require such further information as he deems necessary and if the purpose of the society conform to the requirements of this Act and all provisions of law have been complied with the Insurance Commissioner shall so certify and retain and file the articles of agreement and furnish the incorporator a preliminary certificate authorizing said society to solicit members as hereinafter provided but no preliminary certificate granted under the provisions of this section shall be valid after one yea rfrom its date or after such further period not exceeding one year as may be authorized by the Insurance Commissioner upon the cause shown

Third Upon receipt of said certificate from the Insurance Commissioner said society may solicit members for the purpose of completing its organization It shall collect from each applicant the amount of not less than one regular monthly payment in accordance with its table

of rates as provided by its constitution and laws and shall issue to each such applicant a receipt for the amounts so collected No society shall incur any liability other than for such advanced payments nor issue any benefit certificates nor pay or allow or offer or promise to pay or allow to any person any death disability or other benefits until

(a) Actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least five hundred dollars each

(b) There shall be established five subordinate lodges or branches into which said five hundred applicants have been initiated

(c) There has been submitted to the Insurance Commissioner under oath of the President and Secretary or corresponding officers of such society a list of such applicants giving their names addresses date initiated name and number of the subordinate branch of which each applicant is a member amount of benefits to be granted rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligations contracted when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August twenty-third one thousand eight hundred and ninety-nine or any higher standard at the option of the society and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience with an interest assumption not higher than four per centum per annum

(d) It shall be shown to the Insurance Commissioner by the sworn statement of the Treasurer or corresponding officer of such society that not less than five hundred applicants have each paid in cash at least one regular monthly payment as herein provided per five hundred dollars of benefits to be effected which payments in the aggregate shall amount to at least five hundred dollars and be credited to the mortuary or disability fund on account of such applicants no part of which may be used for expenses Such advanced payments shall be held in trust during the period of organization and if the organization is not completed within one year as hereinafter provided shall be returned to said applicants

Fourth The Insurance Commissioner may make such examination and require such further information as he deems advisable and upon presentation of satisfactory evidence that the societ yhas complied with all provisions of the law relating to the incorporation of fraternal benefit societies as provided by this Act he shall issue to such society a certificate to that effect and certify in duplicate that all the requirements of this Act in relation to the incorporation of fraternal benefit societies have been complied with and submit said articles of agreement to the Attorney General for examination and if found by him to be in accordance with the provisions of this Act and not inconsistent with the Constitution of this Commonwealth and of the United States he shall certify the same in duplicate to the Governor with his approval endorsed thereon

Upon receipt of such articles of agreement certified as aforesaid the Governor shall in case he approves the same endors ehis approval therein in duplicate and cause letters patent to issue creating the subscribers to the said articles of agreement and their associates into a body corporate with general powers

(a) To have succession by its corporate name perpetually subject to the powers of the General Assembly under the Constitution of the Commonwealth

(b) To maintain and defend judicial proceedings

(c) To make and use a common seal and alter the same at pleasure

(d) To be capable of taking receiving purchasing holding and transferring real and personal property for the purpose of its incorporation

(e) To elect or appoint and remove its officers and agents for the management of its business and the carrying out of its objects and to allow them a suitable compensation

(f) To make a constitution and general laws for the government of the society the management of its affairs the admission and classification of its members and the control and regulations of the terms and conditions governing the issue of its benefit certificates as authorized and provided for by the provision of this Act

(g) To provide for the payment of benefits to its members and their beneficiaries in such manner and for such amounts as may be authorized and directed by its constitution or by-laws not inconsistent with the provisions of this Act To collect from its members by admission fees per capita tax dues or rates of contribution the funds necessary to carry on its business and provide for the payment of its obligations To enter into any obligations necessary for the transaction of its affairs

(h) To carry on its operations through a supreme or governing body board of directors or executive committee and subordinate lodges councils or branches Meetings of its supreme legislative or governing body may be held in any state district province or territory wherein such society has subordinate branches and all business transacted at such meetings shall be as valid in all respects as if the same were held in this Commonwealth but its principal office shall be located in this Commonwealth

Fifth The Secretary of the Commonwealth shall cause the articles of agreement aforesaid together with the proceedings had thereon and certificate to the Governor after the approval of the Governor has been endorsed on said articles of agreement and letters patent have been issued to be recorded in a book kept for that purpose and he shall return one of the said articles of agreement to the society which shall have the same recorded in the Recorder's office of the county in which the principal office of said society is located

Sixth The Secretary of the Commonwealth shall furnish the Insurance Commissioner with a certified copy of said letters patent and shall also certify the duplicate articles of agreement with all endorsements hereon and file same in the office of the Insurance Commissioner and certified copies of the same may be used in evidence for or against th society with the same effect as the original

Section 18 (Incorporation Rights Preserved) Any society heretofore organized or incorporated under any Act of the General Assembly of the Commonwealth of Pennsylvania which is now engaged in transacting business in this Commonwealth may exercise after the passage of this Act all the rights conferred hereby and all the rights powers privileges and exemptions now exercised or possessed by it under its charter or articles of incorporation or articles of association or at its option it may be reincorporated or reorganized hereunder but no society already incorporated shall be required to reincorporate hereunder nor shall its existence as a corporation nor its right to exercise any corporate rights vested in it by virtue of its past incorporation be affected by anything contained herein

Section 19 (Examination) The Insurance Commissioner or any person or persons he may appoint shall have the power of visitation and examination into the affairs of every domestic society He may employ such additional assistance from time to time as he may deem necessary or any person or persons he may appoint shall have free or expedient for the purpose of such examination and he access to all the books papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers and employees or other persons in relation to the affairs transactions and conditions of the society

Whenever after examination the Insurance Commissioner is satisfied that any domestic society is exceeding its powers or is transacting business fraudulently or is in such condition that its further transaction of business will be hazardous to its members or to the public or shall determine to discontinue business the Insurance Commissioner may present the facts relating thereto to the Attorney General who shall if he deem the circumstances warrant proceed against such society in the method prescribed by the laws of this State providing for the liquidation of insolvent or delinquent companies orders or associations transacting any class of insurance

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity give to it on

a date to be named in said notice to show cause why such proceedings should not be commenced No application for injunction against or proceedings for the dissolution of or appointment of a Receiver for any domestic society or branch thereof shall be entertained by any court of this Commonwealth unless the same is made by the Attorney General

Section 20 (Mergers) No domestic society shall merge with or reinsure with or accept the transfer of the membership or funds of any other society unless such merger reinsurance or transfer is evidenced by articles of agreement in writing setting forth in full the terms and conditions of such merger reinsurance or transfer and a statement describing the character of business the merged society desires to transact which shall conform to that permitted by this Act and filed with the Insurance Commissioner of this Commonwealth together with a sworn statement of the financial condition of each of said societies by its President and Secretary or corresponding officers and a certificate of such officers duly verified under oath of said officers of each of the contracting societies that such merger reinsurance or transfer has been approved by a majority vote of the members of the supreme legislative or governing body of each of said societies or by a referendum vote showing a majority of the subordinate bodies of each of the several societies so merging favorable to such merger

Upon the submission of the said articles of agreement financial statements and certificates in duplicate the Insurance Commissioner shall examine the same and if he shall find such financial statements to be correct and the said articles of agreement to be in conformity with the provisions of this Act and that such merger or transfer is just and equitable to the members of each of said societies he shall approve said merger reinsurance or transfer in duplicate issue his certificate to that effect and thereupon the said articles of agreement reinsurance or transfer shall be in full force and effect Nothing herein contained shall preclude any society from reinsuring all or part of any individual risk with any other society or company

Section 21 (Renewal of License) Foreign societies which are now authorized to transact business in this Commonwealth may continue such business until the first day of April next succeeding the passage of this Act and the authority of such societies may thereafter be renewed annually but in all cases to terminate on the first day of the succeeding April Every license shall continue in full force and effect until the new license be issued or specifically refused For each license or renewal the society shall pay the Insurance Commissioner twenty dollars A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this Act and that it may invest its assets as required by the laws of the state district territory province or country where it is organized

Section 22 (License) No foreign society shall transact any business in this Commonwealth without a license from the Insurance Commissioner Any such society may be licensed upon filing with the Commissioner (a) A duly certified copy of its charter or articles of association (b) a copy of its constitution and laws certified by its Secretary or corresponding officer (c) a power of attorney to the Insurance Commissioner as hereinafter provided (d) a statement of its business under oath of its President and Secretary or corresponding officers in the form required by the Commissioner and duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the Insurance Commissioner of this Commonwealth (e) a certificate from the proper official in its home state province or country that the society is legally organized (f) a copy of its certificate of membership which must show that benefits are provided for by periodical or other payments by persons holding similar certificates (g) a valuation report of its benefit fund obligations in force on December thirty-first last preceding in the manner required by Section twenty-nine of this Act and furnishing the Commissioner with such other information as he may deem necessary to a proper exhibit of its business and plan of working

Upon compliance with these requirements such foreign society shall be licensed to do business in this Commonwealth until the first day of the succeeding April and such license shall upon compliance with the provisions of this Act be renewed annually as hereinbefore provided

Every foreign society desiring admission to this Commonwealth shall have the qualifications required of domestic societies organized under this Act and have its benefit fund obligations valued upon a valuation by any one of the standards authorized herein and have its assets invested as required by the laws of the state territory district country or province wherein it was organized When the Insurance Commissioner refuses to license any society or revokes its authority to do business in this state he shall reduce his ruling or decision to writing and file the same in his office and shall furnish a copy thereof together with a statement of his reason to the officers of the society upon request and the action of the Insurance Commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within the Commonwealth Nothing contained in this or the preceding section shall however be taken or construed as preventing any such society from continuing in good faith all contracts made in this Commonwealth during the time such society was legally authorized to transact business herein

Section 23 (Process of Service) Every foreign society now doing business in or applying for admission to this Commonwealth shall by a duly executed instrument filed in the office of the Insurance Commissioner constitute and appoint the Insurance Commissioner or his successors its true and lawful attorney upon whom all lawful processes in any action or legal proceeding against it may be served and therein shall agree that any lawful process against it which may be served upon him as its said attorney shall be of the same force and validity as if served on the society and that the authority shall continue in force irrevocable so long as any liability of the society remains outstanding in this Commonwealth

The service of such process shall be made by registered mail or by leaving copies of the same in duplicate in the hands or office of the Commissioner at Harrisburg One copy of such instrument certified by the Commissioner or his deputy as having been served upon him shall be deemed valid service upon the society

When legal process is served upon the Commissioner as attorney for a foreign society he shall forthwith forward one of the duplicate copies of process served on him to its Secretary or corresponding officer ir to such other person as may have been previously designated by the society by written notice filed in the Office of the Commissioner As a condition of valid and eective service and of the duty of the Commissioner in the premises the plaintiff in each such process shall pay to the Commissioner at the time of service thereof the sum of two dollars which the said plaintiff shall recover as taxable costs if he prevails in the suit The Commissioner shall keep a record of all such processes which shall show the day and hour of service

Section 24 (Examination of Foreign Societies) The Insurance Commissioner or his deputy or examiner or any person whom he may appoint may examine any foreign society transacting or applying for admission to transact business in this Commonwealth The said Insurance Commissioner may employ assistants and he or any person he may appoint shall have free access to all the books papers and documents that relate to the business of the society He may summon and qualify as witness under oath and examine its officers agents and employes and other persons in relation to the affairs transactions and condition of the society He may in his discretion accept in lieu of such examination the examination of the Insurance Department of the state territory district province or country where such society is organized The actual expense of the examiners making any such examination shall be paid by the society upon statement furnished by the Insurance Commissioner

If any society or its officers refuse to submit to such

examination or to comply with the provisions of the section relative thereto the authority of such society to write new business in this Commonwealth shall be suspended or license refused until satisfactory evidence is furnished the Insurance Commissioner relating to the condition and affairs of the society and during such suspension the society shall not write new business in this Commonwealth

Section 25 (Exceeding Powers) When the Insurance Commissioner on investigation is satisfied that any foreign society transacting business under this Act has exceeded its power or has failed to comply with any provisions of this act or is conducting business fraudulently he shall notify the society of his findings in writing the grounds of his dissatisfaction and after reasonable notice require the society on a date fixed to show cause why its license should not be revoked

If on the date named in said notice such objections have not been removed to the satisfaction of the said Insurance Commissioner or the society does not present good and sufficient reasons why its authority to transact business in this Commonwealth should not at that time be revoked he may revoke the authority of the society to continue business in this Commonwealth

Section 26 (Statement not Made Public) Pending during or after an examination or investigation of any society either domestic or foreign the Insurance Commissioner shall make public no financial statement report or finding nor shall he permit to become public any financial statement report or finding affecting the status standing or rights of any such society until a copy thereof shall have been served upon such society at its home office nor until such society has been afforded a reasonable opportunity to answer any such financial statement report or finding and to make such showing in connection therewith as it may desire

Section 27 (Revoking License) Before the Insurance Commissioner shall refuse to license any foreign society or shall revoke its authority to do business in this State he shall furnish to such society a concise statement of his reasons for such proposed refusal or revocation and give notice of a time and place of hearing at which such society may show cause why a license should be granted to it or why the license granted to it should not be revoked as the case may be

Upon request made to the Insurance Commissioner by such society he shall issue subpoenas to summon such witnesses as the society may desire to summon and upon the filing of a petition by such society duly verified by oath showing that the testimony of certain persons named therein is competent and relevant to the issues to be heard by the Commissioner and that such persons are outside the State of Pennsylvania he shall appoint a suitable person duly qualified by law to administer oaths as a Commissioner to take the testimony of such persons at such place or places specified in the petition as the testimony of such witnesses may be obtained Such testimony shall be taken upon oral examination and cross examination or upon written interrogatories and cross interrogatories as the Insurance Commissioner may determine and when so taken shall be reduced to writing and certified to the Insurance Commissioner by the Commissioner so appointed and shall be made a part of the record of such hearing before the Insurance Commissioner The cost of issuing said subpoenas shall be paid to the Commissioner by the society

Any notice of hearing required by this Act shall be sufficient if sent by registered mail addressed to the society or to its president at its principal office in its home state territory province or country A full and complete record shall be kept of all proceedings had before the Insurance Commissioner at any hearing and all testimony taken at such hearings shall be reported stenographically and the completeness and accuracy of the record shall be certified by the Insurance Commissioner

All decisions rulings and findings of the Insurance Commissoiner made under this Act together with a statement of his reasons therefor shall be reduced to writing and filed society by registered mail addressed to the society or its President at its principal office in its home state territory province or country and the action of the Insurance Commissioner shall be reviewable upon appeal to the Court of Common Pleas of Dauphin County in the following manner

Any society aggrieved by any decision ruling or finding of the Insurance Commissioner may file within thirty days thereafter in the Court of Common Pleas of Dauphin County a petition against the Commissioner officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Thereupon a summons shall issue returnable in ten days and shall be served with a copy of the petition upon the Insurance Commissioner On or before the return day the Commissioner shall file an answer in which he shall allege by way of defense the grounds of his decision He shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers Such record shall include the testimony taken thereon the findings of fact and conclusions if any made by the Commissioner based upon such testimony a copy of all notices and statements of reasons issued and served by the Commissioner in the proceedings and a copy of the decision ruling or finding of the Commissioner with his statement of reasons which the petition calls upon the court to reverse The cost of preparing and certifying such record shall be paid to the Commissioner by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the Commissioner's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party made thereafter the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the Commissioner shall be disregarded

Such appeal or other proceeding for review shall be a supersedeas and in every case the said decision order or ruling of the Insurance Commissioner shall be suspended and abide the final determination of the appeal or other proceeding for review

The case shall be heard upon the record certified to the Court by the Commissioner Additional testimony shall not be taken by the Court but the Court may in proper cases remit the record of the Commissioner for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken to the Supreme Court of Pennsylvania as in other cases

In the case of any appeal or other proceeding for review heretofore taken from the decision of the Insurance Commissioner refusing to license any such society or revoking its authority to do business and now pending and undetermined in any Court of this Commonwealth the Court may take an appropriate order remanding the decision ruling or finding appealed from the Insurance Commissioner with directions to proceed in conformity with the provisions of this Act and the making of such order shall restore the status of the appellant society as it was before the making of the decision ruling or finding appealed from

Section 28 (Annual Statement) Every society transacting business under this Act shall annually on or before the first day of March file with the Insurance Commissioner in such form as he may require a statement under oath of its President and Secretary or corresponding officers of its transactions for the calendar year ending December thirty-first preceding and of its condition and standing on that date and shall include therein all accrued liability under unpaid claims where notice was received by the society at its home office before the end of such calendar year No society shall be required to include in such report any claim or claims notice of which has not been received by the society at its home office before the end of such year It shall also furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working The Commissioner may at other times require any further statement he may deem necessary to be made relating to such society

Section 29 (Valuation Report) In addition to the annual report herein required each society shall annually report to the Commissioner a valuation of its benefit fund obligations in force on December thirty-first last preceding excluding those entered into within the year for which the

report is filed in cases where the contributions for the first year in whole or in part are used for current expenses Such report of valuation shall show as contingent liabilities the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation at not more than four per cent interest less such portion thereof as may have been assumed by other associations or companies and as contingent assets the present mid-year value at the same rate of interest of the future net contributions provided in its Constitution and laws as the same are in practice actually collected

In lieu of the above valuation any society at its option may show the net value of its benefit fund obligations subject to valuation at the rate of interest as hereinbefore provided and said net value when computed in the case of monthly contributions may be the mean of the terminal value for the end of the preceding and of the current certificate years from which said tabular values shall be deducted such portion thereof as may have been assumed by other associations or companies

Each valuation report shall be certified by a competent accountant or actuary or at the request and expense of the society verified by the actuary of the Department of Insurance of the home state of the society and shall be filed with the Insurance Commissioner on or before the first day of April succeeding the submission of the last preceding annual report

The minimum standard of valuation for death benefit fund obligations shall be the National Fraternal Congress Table of Mortality hereinbefore referred to or at the option of the society by any other standard table or a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with an interest assumption of not more than four per cent

Every valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation Any society providing for disability benefits shall keep a separate account of the same in its said valuation report shall charge as a liability the balance to the credit of such fund or funds at the date of such valuation Where a combined contribution table is used by a society for both death and permanent and total disablity benefits the valuation may be of death benefit only and in such case a separate accounting shall not be required

A report of such valuation with such explanations as the society may deem advisable shall be printed and mailed to each beneficial member of the society not later than July first of each year or in lieu thereof may be published in the society's official paper and the issue containing the same mailed to each beneficial member of the society

Section 30 (Valuation Accumulation Basis) In lieu of the valuation hereinbefore required any society may value its certificates on a basis herein designated "accumulated basis" by crediting each member with the net amount contributed for each year and with interest at approximately the net rate earned and by charging him with his share of the losses for each year herein designated "cost of insurance" and carrying the balance if any to his credit The charge for the cost of insurance may be according to the actual experience of the society as applied to a table of mortality recognized by the law of this Commonwealth and shall take into consideration the amount at risk during each year which shall be the amount payable at death less the credit to the member

Unless specifically provided in its constitution or laws no charge shall be carried forward from the first valuation hereunder against any member for any past share of losses exceeding the contributions and credit If after the first valuation any member's share of losses for any year exceeds his credit including the contributions for the year the contributions shall be increased to cover his share of the losses

Any such excess share of losses chargeable to any member may be paid out of a fund or contributions especially created or required for such purpose Any member may transfer to any plan adopted by the society with net rates on which tabular reserves are maintained and on transfer shall be entitled to take such application to his credit as provided in the laws of the society Certificates issued rerated or readjusted on a basis providing for adequate rates with adequate reserves to mature such certificates upon assumption for mortality and interest recognized by the law of this Commonwealth shall be valued on such basis herein designated the "tabular basis" Provided that if on the first valuation under this section a deficiency in reserve shall be shown for any such certificate the same shall be valued on the accumulation basis

Whenever in any society having members upon the tabular basis and upon the accumulation basis the total of all costs of insurance provided for any year shall be insufficient to meet the actual death and disability losses for the year the deficiency may be met for years from the available funds after setting aside all credits in the reserve or from increased contributions or by an increase in the number of assessments applied in the society as a whole or to classes of members as may be specified in its laws Savings from a lower amount of death losses may be returned in like manner as may be specified by its laws

If the laws of the society so provide the assets representing the reserves of any separate class of members may be carried separate for such class as if an independent society and the required reserve accumulation of such class so set apart shall not thereafter be merged with the assets of other classes of the society

A table showing the credits to individual members for each year and age of entry and showing opposite such credits the tabular reserve required in the whole life or other plan of insurance specified in the contract according to assumptions for mortality and interest recognized by the law of this Commonwealth and adopted by the society shall be filed by the society with each annual report and also be furnished to each member before July first of each year

In lieu of the aforesaid statement there may be furnished to each member within the same time a statement giving the credit for such member and giving the tabular reserve and level rate required for the transfer carrying out the plan of insurance specified in the contract No table or statemene need be made or furnished where the reserves are maintained on the tabular basis For this purpose individual bookkeeping for each member shall not be required and all calculations may be made by actuarial methods

Nothing herein contained shall prevent the maintenance of such surplus over and above the credits on the accumulation basis and the reserves on the tabular basis as any society may provide by or pursuant to its laws nor be construed as giving to the individual member any right or claim to any such reserve or credit other than in manner as expressed in its constitution and laws

Section 31 (False Statements) Any person or officer member or examining physician of any society authorized to do business under this Ace who shall knowingly or wilfully make any farse or fraudulent statement or representation in or with the reference to any application for membership or for the purpose of obtaining money from or benefit in any society transacting business under this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and imprisonment in the county jail for not less than thirty days or more than one year or both in the discretion of the Court

Any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procurring payment of a benefit named in the certificate of such holder in any such society for the purpose of procurring payment of a benefit named in the certificate of such holder and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this Act shall be guilty of perjury and shall be proceeded against and punished as provided by the statutes of this Commonwealth in relation to the crime of perjury

Section 32 (Unlicensed Society Soliciting Members) Any society or person who shall solicit membership for or in any manner assists in procuring membership in any fraternal benefit society not authorized to do business in

this Commonwealth shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars and any society so violating the provisions of this Act shall be denied by the Insurance Commissioner a license or right to do business within this Commonwealth

Any society officer agent or employee of any society neglecting or refusing to comply with or violating any of the provisions of this Act the penalty for which refusal or violation is not specified shall upon conviction thereof be fined not exceeding one thousand dollars or imprisonment in the county jail for not less than thirty days nor more than one year or both at the discretion of the Court

Section 33 (Spreading False Statements) Any person who publishes spreads or communicates or causes to be published spread or communicated any false statement or rumor concerning any fraternal benefit society operating under the provisions of this Act for the purpose of inducing any member to cancel his certificate therein or withdraw therefrom or with the intent to lessen the value of any such certificate shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and imprisonment in the county jail for not less than sixty days nor more than one year or both at the discretion of the Court

Section 34 (Societies Exempted) Nothing contained in this Act shall be construed to affect or apply to grand or subordinate lodges of purely social or labor organizations nor to societies which limit their membership to any one hazardous occupation nor to domestic societies which limit their membership to a particular religion or to the employees of a particular city or town designated firm business house or corporation nor to domestic lodges orders or associations of a purely religious charitable and benevolent description which do not provide for a benefit of more than three hundrede dollars to any one person in any one year

And this Act shall not be construed to affect or apply to similar societies which do not issue benefit certificates nor to an association of lcal lodges of a society now doing business in the Commonwealth which provide death benefits not to exceed five hundred dollars to any one person or disability benefits not exceeding three hundred dollars in any one year to any one person or both nor to any contracts of reinsurance business on such plan in this Commonwealth But any society conducting an insurance branch and issuing certificates and paying death benefits of more than five hundred dollars such insurance branch of that society shall comply with the provisions of this Act

Any society heretofore organized and now actually operating in this Commonwealth which limits its membership to the members of one or more fraternal orders which said members are required to have been proposed elected by ballot initiated and obligated through subordinate lodges under prescribed ritualistic ceremonies shall be regarded as hereby complying with the requirements of this Act as to subordinate lodges and the admission of members therein and shall upon compliance with all other provisions of this Act be deemed a fraternal benefit society operating on the lodge system and entitled to a license as such hereunder

Section 35 (Societies Paying Accident Benefits only Licenses) Any fraternal benefit society heretofore organized and incorporated and opening within the definition set forth in section one of this Act providing for benefits in case of death or disability resulting solely from accidents but which does not ogligate itself to pay death or sick benefits benerally may be licensed under the provisions of this Act and shall have all the privileges and shall be subject to all the provisions of this Act except the provisions requiring valuation of benefit fund obligations and that the certificate shall specify the amount of benefit

Section 36 (Beneficial Societies Exempt) Beneficial societies other than those specifically exempted herein without ritualistic work or a representative form of government transacting any class of insurance shall not be required to comply with this Act All such societies or associations shall on and after the passage of this Act file with insurance Commissioner copies of their charter constitution and laws and annually thereafter make a report in such form as the Commissioner may require showing their conditin and standing on the thirty-first day of December preceding and of their transactions for the year and the Commissioner may at any time make an examination of the books and accounts of any such society

Section 37 (Change of Location of Principal Place of Business) Any fraternal society within this Commonwealth may change its principal office or place of business to any other place within this Commonwealth A notice that such location has been changed shall be filed by the Secretary of the society under the corporate seal in the Prothonotary's office in the County to which said office or place of business has been removed in the Prothonotary's office in the county from which said office has been removed in the office of the Insurance Department and in the office of the Department of State ten days before the change shall take effect

Section 38 (Notice Required for Agreement with the Beneficiary) No contract between a member of a fraternal benefit society and his beneficiary that the beneficiary or any person for him shall pay such member's assessments and dues or either of them shall give the beneciary a vested right in the benefit certificate or in the benefits or deprive themember of the right to change the name of the beneficiary or revoke the certificate if any issued by the Association provided that such change or revocation be done by written or printed notice to the association in the manner and form provided by its by-laws Provided also that in the event of any contract between the member and a beneficiary a copy of such contract in writing shall be delivered to the home office of the society forthwith If no such copy of the said contract is delivered as above stated and the society in good faith pays the named beneficiary it shall be released from and further liability

Section 39 (Disappearance) No proceeding in any Court of this Commonwealth whereby a person is adjudged a presumed decedent under existing laws shall be binding upon any fraternal benefit society nor shall such finding by any court be offered in evidence as presumed decedent in a later proceeding against the society unless thirty days notice of such proceeding is given to the hame office of such fraternal benefit society of the time and place of such hearing and opportunity given to said fraternal benefit society to appear in such proceedings as intervenor if it so elects

Section 40 (Junior Membership) Any fraternal benefit society authorized to do business in this State and subject to supervision regulation and examination by the Insurance Commissioner may provide in its laws in addition to other benefits provided for therein for insurance and or annuities upon the lives of children at any age upon the application of some adult person as the laws of such society may provide Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children nor shall they have any voice in the management of the society

Subsection 1 (Contributions) The contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table Number Eix" the "American Experience Table" and Craig's Extension thereof or such other mortality table as may be approved by the Insurance Commissioner with an assumed rate of interest not exceeding four per cent

Subsection 2 (Reserve Requirements) Any society issuing such benefit certificates shall maintain on all such certificates the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided herein

Subsection 3 (Powers) A society shall have full power to provide for means of enforcing payment of contribution designation of beneficiaries and changing such designations and in all other respects for the regulation government and control of such certificates and all rights obligations and liabilities incident and connected therewith not at variance with the provisions of this Act

Then follow provisions as to the repeal of former acts

designating them by title and date and then follow with the general provision as follows

Section 41 (Repealers) All other Acts or parts of Acts inconsistent with this Act are repealed Provided however That no repeal provided for in this section or otherwise shall affect the rights of societies heretofore incorporated to exercise all the corporate powers possessed by them at the time of the passage of this Act

Constitutionality The provisions of this Act shall be severable and if any o fits provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this Avt It is hereby declared as a legislative intent that this Act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Effect Of Act The provisions of this Act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall this act affect any act done liability incurred or any right accrued and established or any suit or prosecution civil or criminal pending or to be instituted to enforce any right or penalty or punish any offense under the authority of the repealed laws Any persons who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof ciety authorized to do business in this Etate and subject to supervision regulation and examination by the Insurance Commissioner may provide in its laws in addition to other benefits provided for therein for insurance and or annuities upon the lives of children at any age upon the application of some adult person as the laws of such society may provide Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children nor shall they have any voice in the management of the society

Subsection 1 (Contributions) The contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table Number Six" the "American Experience Table" and Craig's Extension thereof or such other mortality table as may be approved by the Insurance Commissioner with an assumed rate of interest not exceeding four per cent

Subsection 2 (Reserve Requirements) Any society issuing such benefit certificates shall maintain on all such certificates the reserve required by the standard of ortality and intere adopted by the society for computing contributions as provided herein

Subsection 3 (Powers) A society shall have full power to provide for means of enforcing payment of contribution designation of beneficiaries and changing such designations and in all other respects for the regulation government and control of such certificates and all rights obligations and liabilities incident thereto and connected therewith not at variance with the provisions of this Act

Section 41 (Repealers) The Act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred sixteen) entitled an Act defining fraternal benefit societies and their status authorizing Such societies to creat subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as Attorney for service of process providing penalties for any violations of the Act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws and the amendments thereto be and the same is hereby repealed

The Act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred seventy-seven) entitled an Act authorizing fraternal benefit societies to provide for insurance and annuities upon the lives of children be and the same is hereby repealed

All other acts or parts of Acts inconsistent with this Act are repealed Provided however that no repeal provided for in this section or otherwise shall affect the rights of societies heretofore incorporated to exercise all the corporate powers possessed by them at the time of the passage of this Act

Section 42 (Constitutionality) The provisions of this Act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this Act It is hereby declared as a legislative intent that this Act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Section 43 (Effect of Act) The provisions of this Act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall this act affect any act done liability incurred or any right accrued and established or any suit or prosecution civil or criminal pending or to be instituted to enforce any right or penalty or punish any offense under the authority of the repealed laws Any persons who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof

Section 44 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL NO. 990, HOUSE BILL NO. 1631

Mr. BUCKMAN. Mr. President, I move to reconsider the vote by which Senate Bill No. 990 (House Bill No. 1631), entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties

passed second reading.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The twentieth, nineteenth, eighteenth, seventeenth, sixteenth, fifteenth, fourteenth, thirteenth, twelfth, eleventh, tenth, ninth, eighth, seventh, sixth, fifth, fourth, third, and second sections of the bill were reconsidered.

The second section of the bill was read as follows:

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise or organization owned by or with which is affiliated two or more persons or members

"Corporations" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Donee" Any person to whom a gift is made
"Donor" Any natural person making a gift
"Department" The Department of Revenue of this Commonwealth
"Gift" Any property real or personal tangible or intangible or any interest therein or income derived therefrom in trust or otherwise voluntarily granted or transferred either directly or indirectly by any devise whatever without consideration or for less than a full and adequate consideration by any donor Provided That in the case of any donor a resident of this Commonwealth the word "gift" shall not include any real or tangible personal property permanently located outside of this Commonwealth and in the case of a donor not a resident of this Commonwealth the word "gift" shall only include such property as is situated within this Commonwealth and subject to its taxing power and Provided further That the word "gift" shall not include property transferred money service or anything of value paid furnished or delivered by any person to or for any member of his immediate family reasonably necessary for current maintenance support and education
"Person" Every natural persons association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof
The singular shall include the plural and the masculine shall include the feminine and neuter

And the question recurring,
Will the Senate agree to the section?
Mr. BUCKMAN. Mr. President, I move to amend section 2, page 2, line 20, by striking out the word "devise" and insert in lieu thereof "device"
Mr. WOODWARD. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The third, fourth and fifth sections of the bill were read as follows and agreed to:
Section 3 A State excise tax payable by the donor if he is a resident or by the donee if the donor is a nonresident is hereby imposed with respect to any gift in excess of two thousand dollars ($2,000) at following rates
(a) Two percentum upon the clear value of any such gift made to the donor's father mother husband wife children lineal descendants born in lawful wedlock by any adopted children children of a former husband or wife or the wife or widow of the son of the donor and also upon the clear value of any gift made by the mother of an illegitimate child or by any person of whom the mother is a lineal descendant to such child his wife or widow and by any illegitimate child to his mother
(b) Ten per centum upon the clear value of any gift made to any persons other than those set forth in subsection (a) of this section or to any body politic
Section 4 (a) If a gift is made in property of any nature whatsoever the clear market value thereof at the date of gift shall be considered the taxable value of the gift Provided That when any such property is sold or exchanged for less than a fair consideration in money or money's worth then the amount by which the clear market value of the property exceeded the consideration received shall for the purposes of this act be deemed a gift and shall be included in computing the amount of gifts
(b) The clear value of all gifts made during the year to the same donee by the same donor within the same calendar year shall be added together and the aggregate of such amounts shall be considered as one gift for the purposes of taxation under this act and the rates of tax prescribed in this act shall be applied to such aggregate of such amounts
Section 5 Nothing in this act is intended or shall in any wise be considered so that the provisions hereof shall conflict with or modify in any respect the provisions of the Transfer Inheritance or Estate Tax Law

The sixth section of the bill was read as follows:
Section 6 (a) Any voluntary gift made by any person to any corporation organized exclusively for charitable religious or educational purposes no part of the income of which inures to the benefit of any private shareholder shall not be considered a gift taxable under the provisions of this act
(b) Any voluntary contribution to any corporation trust community chest fund or foundation organized and operated exclusively for charitable purposes made by any person in any calendar year for the purpose of defraying the normal current expenditures of such corporation trust community chest fund or foundation during such calendar year or the next succeeding calendar year shall not be considered a gift taxable under the provisions of this act

On the question,
Will the Senate agree to the section?
Mr. BUCKMAN. Mr. President, I move to amend section 6, page 5, line 7, by inserting after the word "corporation" the following: "association or trust"; also page 5, line 10, by inserting after the word "holder" the following: "member or individual"; also page 5, line 12, by inserting after the word "corporation" the following: "association"; also page 5, line 16, by inserting after the word "corporation" the following: "association"
Mr. WOODWARD. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifeenth, sixteenth and seventeenth sections of the bill were read as follows and agreed to:
Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year Such report shall contain such information as the department may require
The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return
Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided
Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such person may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest

thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the period covered by such estimated assessment or any other matter of defense whatsoever if a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment.

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to the date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident if such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior to the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the courts of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and thirty (30) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his

books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

The eighteenth section of the bill was read as follows:

Section 18 Except as otherwise provided by the Constitution all taxes interest and penalties that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated

On the question,

Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend sec. 18, page 13, line 17, by striking out the word "and"

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The nineteenth and twentieth sections of the bill were read as follows and agreed to.

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

The title of the bill was read as follows and agreed to.

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. SHAPIRO. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 756 on third reading postponed for the present, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest and the allowing of discounts on certai. county city borough town township school district and poor district taxes

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

BILL DROPPED FROM CALENDAR

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 756 be dropped from the calendar.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGE

RESOLUTION RELATIVE TO APPLICATIONS FOR EMPLOYMENT ON STAFF OF STATE EMERGENCY RELIEF BOARD

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows:

In the House of Representatives, May 6, 1935.

Whereas, The General Assembly during this session has been laboring for many weeks to enact an emergency tax program to provide funds for the State Emergency Relief Board, which combined with Federal funds, are to be used to continue unemployment relief and thus relieve human suffering, and

Whereas, The State Emergency Relief Board recently received thousands of applications from various sections of the Commonwealth for the positions of Junior Visitors so that this force could be augmented to provide better control of relief expenditures and relief employment, and

Whereas, Last week these applications were checked over by the personnel department of the State Emergency Relief Board, and a large percentage of those applying have been notified that their applications have been rejected for various reasons, most of which were claimed to be due to having insufficient education and experience, and they were therefore not given even the opportunity of taking the written examination held May fourth (4th), and

Whereas, It was admitted under oath by the State Emergency Relief Board Personnel Director, at a hearing in Harrisburg last week, that applicants are not considered unless, in addition to being high school graduates, they have at least three (3) years schooling in the sacred profession of social service, or three (3) years experience in social service work, as a paid member of the staff of a recognized agency, in this most sacred fraternity which is enjoying an era of abundant prosperity while the remainder of our people are enduring poignant suffering either because of their necessity for relief or the overwhelming burden of taxation, or both, and

Whereas, This same Director of Personnel testified further to the effect that the required experience must have been acquired in teaching, public health nursing, boy scout or camp fire girl activities, social settlement work, etc., and that even though the applicant may have many years of experience either in operating his own business, or in being identified with commerce and industry, thus being equipped with generally recognized experience and good common sense, such experience, good common sense, and mature judgment is not recognized as acceptable background to take the examination for admittance to the sacred fraternity of social service adherents who, by their own admission and activities, are hoping to build up the State Emergency Relief Board into a permanent well paid organization exclusively for members of the social service cult, and,

Whereas, Many Members of the General Assembly, during the past few days, have received and heard complaints that many of their constituents, who, being in need of employment to provide needed income in their families, and possessed of good general experience, common sense and mature judgment, but lacking social service experience or education which is demanded as hereinbefore stated, have

been arbitrarily rejected without an opportunity for examination or personal interview, and

Whereas, Practically every Member of the General Assembly and especially those who are conducting investigations of relief activities in various sections of the Commonwealth are cognizant of the fact that the majority of present relief visitors are too young and lacking in general experience and mature judgment, and that by far the majority of these visitors and a large number of other State Emergency Relief Board administrative employes throughout the Commonwealth are members of wealthy families, or are at least members of families having very comfortable incomes from other sources, and

Whereas, Early in April in the face of almost complete suspension of works relief and threatened suspension of direct relief, and while His Excellency, the Governor of the Commonwealth, Members of the General Assembly, and other high officials, were sweating blood in an attempt to enact a tax program to keep thousands of families from starving, increases in salaries, ranging in some instances as high as forty-five (45) percentum, were made effective to these same visitors and administrative employes of the State Emergency Relief Board, which, as discovered by the Area four (4) Legislative Investigating Committee, will mean an increase in administrative cost in Area four (4) alone of over Twenty-one thousand ($21,000) dollars per annum, or an increase of nineteen and four tenths (19.4) percentum, affecting ninety (90) per centum of the employes, and

Whereas, This same scale of increase has probably become effective throughout the Commonwealth, therefore be it

Resolved (if the Senate concur), that the Executive Director of the State Emergency Relief Board be immediately directed to

(A) Withhold all further employment of visitors and administrative personnel until all applications on file now or hereafter received, including all those received and accepted or rejected for the May fourth (4th) examination, have been carefully scrutinized by a committee in each County consisting of four (4) persons of recognized general business experience, good common sense, and mature judgment, but devoid of the prevalent social service complex. Two members of each such committee to be appointed by the Governor and two by the Judge of the Common Pleas Court in each County. Said committee shall determine by scrutiny of applications, preparations and grading of examinations where necessary, personal interview, and by all means need for employment in the family, who shall be eligible for employment by the State Emergency Relief Board. Said committee in each County shall select its chairman by a majority vote, three (3) members shall constitute a quorum, all matters shall be decided by a majority vote of those present, the committee shall meet at least once a week for the above purpose and each member shall receive five (5) dollars per week while so serving. Said committee in each County shall be furnished with necessary stenographic help and other service and expenses to carry out its functions by the local office of the State Emergency Relief Board, and when necessary said committee shall have the power to appoint other citizens of the County to serve in various needed capacities and such service by these citizens shall be rendered gratis. Said committee in each County shall within sixty (60) days after appointment carefully scrutinize all present or future administrative employes and visitors on the basis of qualifications and need for employment in their families and recommend whenever advisable.

(B) Prepare a blank form for the purpose of securing from all employes including present and future administrative employes, visitors and all other employes not on relief, a statement of facts, under oath, as to the income from every other source in the employe's family. This statement to be given with the application in the future and to be provided to the said committee in each County by all present employes within fifteen (15) days after appointment of said committees.

(C) Immediately remove any and all salary increases of administrative employes and visitors which have become effective since the opening day of this session of the Legislature, January first, Nineteen hundred thirty-five, and be it further

Resolved, That the Speaker of the House of Representatives shall appoint three (3) Members of that Body, and the President Pro Tempore of the Senate shall appoint three (3) Members of that Body, who, with the Executive Director of the State Emergency Relief Board serving as a member and chairman, shall constitute a committee of seven to pass upon all future salary increases or changes and all other matters pertaining to the State Emergency Relief Board administration. Five (5) members of this committee shall constitute a quorum, and be it also further

Resolved, That the General Assembly will pass during this session necessary legislation to carry out the various phases of this resolution and other matters necessary to see that all money expended by the State Emergency Relief Board is used to provide relief and employment in the greatest possible amount only to those families and individuals in need of help.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent that Rule 39, which requires that concurrent resolutions be referred to an appropriate committee, be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON (Centre). Mr. President, I move that the Senate concur in this resolution.

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON (Centre). Mr. President, I have in my hand a letter addressed to the local office of the Emergency Relief Board in my territory. I have a fistfull of such letters in my office back home. This letter is addressed to a perfectly worthy candidate for one of these applications. I have not the remotest idea what the political affiliations of this particular man are, but I know he is a man of good common sense, and his name is apparently deliberately changed in the letter addressed to him; and in other letters in my office exactly the same situation exists. They answer these gentlemen, and in some cases ladies, and tell them they are ineligible for this examination,—and change the names of the addressees; for what purpose I do not know.

Now, I think it is high time that there should be some curb put on the activities of this group of self-styled supermen in the hiring and firing employees of this agency. There are these fiscal problems that the Commonwealth is facing today, and then we have this effort on the part of this organization to make large increases in their staff and in their employment—when we, tonight, do not know where any of the money to pay these people is coming from; and I cannot too strongly urge upon this Senate the adoption of this resolution.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Washington). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED (Washington). Mr. President, one of the most

important and agitating questions before the people of this Commonwealth today is "Whither are we tending?"— and this problem is not confined alone to Pennsylvania but is national in its scope.

A few days ago the able Senator from Dauphin discussed, in an elaborate manner, one phase of this great question, and as I attempt to disclose another of its aspects I do so with a spirit devoid of personal criticism, realizing, as I do, the urgent necessity for open and sincere discussion of all public matters.

Many years ago a sturdy and industrious people from beyond the Atlantic settled upon the virgin soil now embraced within the territorial limits of the present State of Pennsylvania. They found here a land covered with magnificent and valuable forests, a soil of unusual fertility, a natural and intricate system of rivers and waterways, capable of being utilized for agricultural, commercial and manufacturing purposes; and above all, they found a climate conducive to health and happiness, and, in turn, to progress and success.

Time brought new discoveries, and, as the vast and extensive mineral deposits of the State were developed, firms and corporations came into being with such incalculable rapidity that an agricultural State was soon transformed, to a great degree, into a commercial and manufacturing center, where wealth and power were created to an extent unparalleled in the history of the nation. This expansive and successful commercial development resulted primarily from the wealth of natural resources placed here by a wise and just Creator for the use and comfort of His people. From among His people came mighty men of intellect endowed with the power to organize and direct. From among His people likewise came mighty men of brawn endowed with the physical power to execute the most exacting and burdensome orders. These two classes of men, working together, developed the natural wealth of this State, and in so doing brought into being one of the greatest and most extensive commercial systems the world had ever known.

During this era of advancement, men devoted to their work gave themselves unreservedly to their cause. Courageous men penetrated into the bowels of the earth to remove therefrom the precious minerals; men subjected themselves to the intense heat of the furnace in order to prepare commodities for trade; men went forth, by water and by rail, carrying the commodities of Pennsylvania to all parts of the nation and the world. Thus, these two classes of men worked together, in harmony and peace, for the mutual and unselfish advantage of all; and growth and progress accompanied their every activity, and no one lacked the necessaries of life.

But a time came, and that within the memory of us all, when selfishness and greed crept into our great commercial enterprises, engendering distrust, suspicion and hatred, with the most demoralizing and destructive consequences. In some of our great corporations an example of this nefarious practice was seen in the action of certain executives on the inside, through salaries and bonuses, setting aside to themselves enormous and appalling sums, to the great injury of the faithful stockholder and employe. These same unworthy executives, assisted in many instances by Wall Street, unscrupulously and wrongfully manipulated corporate securities so as to draw in the faithful employee and the unwary investor, loading upon them watered securities of little value and taking in exchange the hard-earned savings of a lifetime. These and other similar shady activities practiced by many corporate executives brought down upon them censure and hate from a provoked public, and produced for labor and the investor a just ground for criticism and attack. The baring of these atrocious practices hastened greatly the collapse of public faith, and by 1930-1931, business was struggling as never before to save itself from utter destruction. It was at this juncture that a great and courageous American people became fully aroused. They had not fully forgotten the wise words of the philosopher, that all power is in the people. With a broad exercise of this power they elevated to the Presidency of the United States a man in whom they had faith, a man whom they believed would restore hope and confidence to a patriotic yet deluded people. Their hope was realized. He has restored confidence. He has done more; he has stopped bank failures, he has curtailed those unwise and dangerous operations of Wall Street; he has brought labor and capital closer together; he has relieved distress; he has fed the hungry; he has clothed the naked; he has brought about a recovery in business, creating for our firms and corporations greater profits than they have received for years; and, about all, his unselfish devotion to the cause of the American people will shield him from all mercenary attempts to harm and destroy him. Let any attack him that will; so long as he faithfully and conscientiously labors for the salvation of his people, he need fear no evil.

Recently, in Pennsylvania, the people elected a Governor because they had faith in him and his promises. He is now our Governor.

He is attempting, in a sincere and unselfish way, successfully to guide our afflicted people upward and onward to higher and better standards of life. The people fully understood how enormous is the task attempted, and with faith and fervor of spirit are patriotically cooperating with their Governor to solve these troublesome problems of State. Among his unpleasant duties is the charge of taking care of our unfortunate fellowmen. He realizes that it is a moral duty to feed and clothe them. He likewise knows that a hungry people is a dangerous people; and, knowing these things, he attempts to care for them. No one can truthfully question his integrity or sincerity of purpose. Partisan politics are now forgotten as he attempts to make provision for the care and maintenance of our unemployed and neglected brethren. They must be assisted; they must be helped back; their faith in American ideals must be nurtured and preserved.

To reach this end we all are duty bound to lend our unselfish and unrestricted support. Party lines must vanish; we must work together to save our people from misery and want, and our State from internal strife and discord. With this achieved hope and courage will again return to our people, and blessings from above will be Pennsylvania's reward for this noble service.

For revenue to carry on this humanitarian work and other worthy causes and governmental functions our Governor has offered to this Assembly a tax program. True, it may not be perfect. No program for raising money by taxation is ever perfect. This program has been criticised, as all tax measures are. But a careful study of the plan as a whole convinces us of its equitable nature and assures us that no one will be seriously injured thereby. This program has been before this As-

sembly and the people of Pennsylvania for some considerable time. We have reluctantly held back and shied away from the unpleasant duty of enacting into law a tax program. Out of this delay there are rising from far and near in Pennsylvania murmurs of dissatisfaction and discontent. The people want this question settled. We must meet it. Let us then at once attack it like men. Let us throw off for the present selfishness and prejudice, and dispose of this serious problem with a spirit of devotion to our people and our State. Let us work in harmony together. Let us keep the faith. Let us sustain hope. Then the tendency shall once more be upward; gloom and despair shall disappear; and our people, encouraged and inspired, shall save our State and our nation for greater grandeur.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceded to the first reading and consideration of Senate Bill No. 248. entitled:

An Act making an appropriation to the Pennsylvania School for the Deaf at Mount Airy Philadelphia to cover additional cost of maintenance and education of State pupils.

And said bill having been read at length the first time. Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceded to the first reading and consideration of Senate Bill No. 258. entitled:

An Act making an appropriation to the Lying-in Charity Hospital, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 259, entitled:

An Act making an appropriation to the Contributors to the Pennsylvania Hospital of Philadelphia, Pennsylvania, for the maintenance of its department for the sick and injured.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 260, entitled:

An Act making an appropriation to the Maternity Hospital, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 306, entitled:

An Act making an appropriation to the Department of Military Affairs for payment of property damages occasioned by a motor truck, the property of the Federal Government, issued to and in possession of the National Guard of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 309. entitled:

An Act making an appropriation to the Pennsylvania Society to protect children from cruelty located at four hundred and fifteen South Fifteenth Street Philadelphia Pennsylvania.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 328, entitled:

An Act making an appropriation to the Women's Homeopathic Hospital, Philadelphia, Pennsylvania (now known as Broad Street Hospital, Philadelphia, Pennsylvania).

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 565, entitled:

An Act making an appropriation to the Elk County General Hospital, Ridgway, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 582, entitled:

An Act making an appropriation to the Lock Haven Hospital, Lock Haven, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 583, entitled:

An Act making an appropriation to the Renovo Hospital, Renovo, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 847. entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 850, entitled:

An Act making an appropriation to the Ashland State Hospital, Ashland, Pennsylvania.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 851, entitled:

An Act making an appropriation to the Locust Mountain State Hospital, Shenandoah, Pennsylvania.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 969 (House Bill No. 1932), entitled:

An Act making an appropriation to the committee created by a resolution of the House of Representatives to investigate the cost of the transportation of anthracite coal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow at 12:00 o'clock noon.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:58 P. M. until Tuesday, May 7, 1935, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

MONDAY, May 6, 1935

The House met at 9:00 p. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Herbert P. Beam, Pastor of Trinity Methodist Church, Harrisburg, offered the following prayer:

Almighty God, creator and sustainer of life, we come into Thy presence tonight acknowledge our complete dependence upon Thee and invoking Thy divine blessing upon this Assembly. Apart from Thee, we can do nothing. In Thee we live and move and have our being. Give us, Oh Father, such a vision of Thyself, that we shall have the desire to do justly, to love kindness and to walk humbly in Thy presence. Help us to know Thy Will. Give us courage and strength of heart to do Thy will, recognizing the fact that when we do Thy will, we are ever a constant source of blessing to our fellow-men. Give us keen, penetrating minds, that we shall be enabled to unravel the tangled problems of our present day world. Give us warm, receptive, sympathetic hearts, hearts which are responsive to the cry of human need. May our responses to these crys be of such a sort that at the conclusion of our earthly careers, we shall hear the voice of Thy Son saying unto us: "Inasmuch as ye have done it unto one, the least of these My brethren, ye have done it unto Me; enter into the joys of the Lord." Keep us, pray Thee, oh Father, faithful and loyal unto the Highest, to the very end of our being, that we shall receive the crown of life which has been promised us. This petition we offer unto Thee, in the name of Christ Jesus, our Lord, Thy Son, who perfectly revealeth Thee unto us. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 2, 1935.

The Clerk proceeded to read the Journal of Thursday, May 2, 1935, when, on motion of Mr. Walker the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

BLUE LAWS

A petition from members of Congregational Church, Duquesne, Pa.;

A resolution from the Ruling Elders Association of the Presbyterian Churches of Pittsburgh, protesting passage of anti-sabbath legislation.

Referred to the Committee on Law and Order.

HIGHWAYS FUNDS

Resolutions (3) from Boards of Townships Supervisors urging passage of House Bill No. 977.

Referred to the Committee on Highways.

INTERSTATE COOPERATION

A resolution from the State of North Carolina, urging adoption of resolution creating Committee on Interstate cooperation.

Referred to the Committee on Interstate Cooperation.

COMMITTEE APPOINTED TO INVESTIGATE BLAIR COUNTY RELIEF BOARD

The SPEAKER. In accordance with the provisions of Resolution No. 130, Printer's No. 831, the Chair appoints the following committee: Messrs. Diehl, Aukerman, Parks, Allen and Simpson.

LEAVES OF ABSENCE

Mr. Hoopes asked and obtained leave of absence for Mrs. WILSON on account of death in the family.

Mr. Shortz asked and obtained leave of absence for Mr. JONES until Wednesday on account of death in the family.

The Speaker asked and obtained leave of absence for Mr. HINDMAN.

RESOLUTIONS

RECONSIDERATION OF HOUSE BILL NO. 758

Mr. MOOMAW. Mr. Speaker, I move that the vote by which House Bill No. 758, Printer's No. 834, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers register of vital statistics and boards of school directors

was defeated on final passage on Monday, April 29, 1935, be reconsidered.

Mr. RUFFENNACH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Franklin, Mr. Moomaw, vote on the final passage of this bill?

Mr. MOOMAW. Mr. Speaker, I voted in the negative.

The SPEAKER. How did the gentleman from Allegheny, Mr. Ruffennach, vote on the final passage of this bill?

Mr. RUFFENNACH. Mr. Speaker, I voted in the negative.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. WITKIN and Mr. PETERS and were as follows:

YEAS—107

Alexander,	Dilley,	Lynch,	Ruth,
Allen,	Downey, G. E.,	Male,	Sarraf,
Andrews,	Downey, J. J.,	McCreary,	Scanlon,
Arnold,	Eberharter,	McDermott,	Schrope,
Aukerman,	Eroe,	McElroy,	Shaw,
Baine,	Falkenstein,	Melchiorre,	Shepard,
Baker, J J.,	Finnerty,	Mentzer,	Shugarts,
Barber,	Flanagan,	Moomaw,	Siegel,
Bradley,	Furman,	Mooney,	Simon,
Brown, H. S.,	Gerard,	Moran,	Sinwell,
Brown, J. E.,	Haberlen,	Moul,	Smith, J. A.,
Brownfield,	Hagerty,	Murrin,	Smith, W. G.,
Brumbaugh,	Haluska,	Nagel,	Stank,
Burke,	Hamilton, F. P.,	O'Keefe,	Stevens,
Cannon,	Harkins,	Ominsky,	Stone,
Caputo,	Hartman,	O'Neill,	Tronzo,
Carr,	Hetrick,	Panton,	Tumelty,
Carson,	Hirsch,	Patterson, C.,	Van Sickle,
Chervenak,	Holland,	Patterson, J. W.,	Walker,
Coakley,	Kane,	Pearson,	Weiss,
Cochran,	Kilroy,	Pfaff,	Welliver,
Cohen,	Kinney,	Piole,	Welsh,
Coleman,	Klingler,	Powers,	Westrick,
Coolahan,	Kobelak,	Reising,	Yourishin,
Decker,	LaRue,	Robinson,	Zappala,
Dent,	Long,	Ruffennach,	Sarig,
Diehl,	Lovett,		

NAYS—79

Achterman,	Gates,	Moore,	Stockham,
Altenburg,	Gillette,	Muir,	Stott,
Atkins,	Green,	Nothnagle,	Surface,
Baker, F. T.,	Greenstein,	Parks,	Tahl,
Baldi,	Hamilton, R. S.,	Perry,	Terry,
Barnhardt,	Hart,	Peters,	Trout,
Bernhard,	Hefferon,	Reynolds,	Turner,
Blumberg,	Hermansen,	Roan,	Van Allsburg,
Boose,	Hoffner,	Schrock,	Wall,
Boyd, R.,	Hoopes,	Schwartz,	Wasserman,
Boyer,	Horst,	Shortz,	Weidemann,
Brennan,	Jackson,	Shreiner,	White,
Castor,	Kelder,	Simpson,	Wickersham,
Condon,	Linderman,	Sloan,	Winner,
Conner,	Longaker,	Snyder, F. E.,	Witkin,
Davies,	Mallen,	Snyder, J. L.,	Wood,
Denning,	McDevitt,	Sowers,	Woodside,
Duffort,	McHenry,	Spangler,	Yeakel,
Flynn,	McKinney,	Sproul,	Zimmerman,
Forrest,	Merrell,	Stewart,	

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. WEISS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

RESOLUTION

EMPLOYMENT OF EMPLOYES OF STATE EMERGENCY RELIEF

Mr. MOOMAW offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, May 6, 1935.

Whereas, The General Assembly during this session has been laboring for many weeks to enact an emergency tax program to provide funds for the State Emergency Relief Board, which, combined with Federal funds, are to be used to continue unemployment relief and thus relieve human suffering, and

Whereas, The State Emergency Relief Board recently received thousands of applications from various sections of the Commonwealth for the positions of Junior Visitors so that this force could be augmented to provide better control of relief expenditures and relief employment, and

Whereas, Last week these applications were checked over by the personnel departments of the State Emergency Relief Board, and a large percentage of those applying have been notified that their applications have been rejected for various reasons, most of which were claimed to be due to having insufficient education and experience, and they were therefore not given even the opportunity of taking the written examination held May fourth (4th), and

Whereas, It was admitted under oath by the State Emergency Relief Board Personnel Director, at a hearing in Harrisburg last week, that applicants are not considered unless, in addition to being high school graduates, they have at least three (3) years schooling in the sacred profession of social service, or three (3) years experience in social service work, as a paid member of the staff of a recognized agency, in this most sacred fraternity which is enjoying an era of abundant prosperity while the remainder of our people are enduring poignant suffering either because of their necessity for relief or the overwhelming burden of taxation, or both, and

Whereas, This same Director of Personnel testified further to the effect that the required experience must have been acquired in teaching, public health nursing, boy scout or camp fire girl activities, social settlement work, etc., and that even though the applicant may have many years of experience either in operating his own business, or in being identified with commerce and industry, thus being equipped with generally recognized experience and good common sense, such experience, good common sense, and mature judgment is not recognized as acceptable background to take the examination for admittance to the sacred fraternity of social service adherents who, by their own admission and activities, are hoping to build up the State Emergency Relief Board into a permanent well paid organization exclusiyely for members of the social service cult, and

Whereas, Many Members of the General Assembly, during the past few days, have received and heard complaints that many of their constitutents, who, being in need of employment to provide needed income in their families, and possessed of good general experience, common sense and mature judgment, but lacking social service experience or education which is demanded as herein before stated, have been arbitrarily rejected without an opportunity for examination or personal interview, and

Whereas, Practically every Member of the General Assembly and especially those who are conducting investigations of relief activities in various sections of the Commonwealth are cognizant of the fact that the majority of present relief visitors are too young and lacking in general experience and mature judgment, and that by far the majority of these visitors and a large number of other State Emergency Relief Board administrative employes throughout the Commonwealth are members of wealthy families, or are at least members of families having very comfortable incomes from other sources, and

Whereas, Early in April in the face of almost complete suspension of works relief and threatened suspension of direct relief, and while His Excellency, the Governor of the Commonwealth, Members of the General Assembly, and other high officials, were sweating blood in an attempt to enact a tax program to keep thousands of families from starving, increases in salaries, ranging in some instances as high as forty-five (45) percentum, were made effective to these same visitors and administrative employes of the State Emergency Relief Board, which, as

discovered by the Area four (4) Legislative Investigating Committee, will mean an increase in administrative cost in Area four (4) alone of over Twenty-one thousand ($21,000) dollars per annum, or an increase of nineteen and four tenths (19.4) percentum, affecting ninety- (90) per centum of the employes, and

Whereas, This scale of increase has probably become effective throughout the Commonwealth, therefore be it

Resolved, (if the Senate concur), that the Executive Director of the State Emergency Relief Board be immediately directed to

(A) Withhold all further employment of visitors and administrative personnel until all applications on file now or hereafter received, including all those received and accepted or rejected for the May fourth (4th) examination, have been carefully scrutinized by a committee in each County consisting of four (4) persons of recognized general business experience, good common sense, and mature judgment, but devoid of the prevalent social service complex. Two members of each such committee to be appointed by the Governor and two by the Judge of the Common Pleas Court in each County. Said committee shall determine by scrutiny of applications, preparations and grading of examinations where necessary personal interview, and by all means need for employment in the family, who shall be eligible for employment by the State Emergency Relief Board. Said committee in each County shall select its chairman by a majority vote, three (3) members shall constitute a quorum, all matters shall be decided by a majority vote of those present, the committee shall meet at least once a week for the above purpose and each member shall receive five (5) dollars per week while so serving. Said committee in each County shall be furnished with necessary stenographic help and other service and expenses to carry out its functions by the local office of the State Emergency Relief Board, and when necessary said committee shall have the power to appoint other citizens of the County to serve in various needed capacities and such service by these citizens shall be rendered gratis. Said committee in each County shall within sixty (60) days after appointment carefully scrutinize all present or future administrative employes and visitors on the basis of qualifications and need for employment in their families and recommend whenever advisable.

(B) Prepare a blank form for the purpose of securing from all employes including present and future administrative employes, visitors and all other employes not on relief, a statement of facts, under oath, as to the income from every other source in the employe's family. This statement to be given with the application in the future and to be provided to the said committee in each County by all present employes within fifteen (15) days after appointment of said committees.

(C) Immediately remove any and all salary increases of administrative employes and visitors which have become effective since the opening day of this session of the Legislature, January first, nineteen hundred thirty-five, and be it further

Resolved, That the Speaker of the House of Representatives shall appoint three (3) Members of that Body, and the President Pro Tempore of the Senate shall appoint three (3) Members of that Body, who, with the Executive Director of the State Emergency Relief Board serving as a member and chairman, shall constitute a committee of seven to pass upon all future salary increases or changes and all other matters pertaining to the State Emergency Relief Board administration. Five (5) members of this committee shall constitute a quorum, and be it also further

Resolved, That the General Assembly will pass during this session necessary legislation to carry out the various phases of this resolution and other matters necessary to see that all money expended by the State Emergency Relief Board is usd to provide relief and employment in the greatest possible amount only to those families and individuals in need of help.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROPRIATION FOR EMERGENCY RELIEF

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1935.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

I beg to transmit a telegram received tonight from Federal Emergency Relief Administrator Harry L. Hopkins. The telegram follows:

May 6, 1935

"Hon. George H. Earle,
Governor of Pennsylvania,
Harrisburg, Pa.

"Appreciate your desire to co-operate with the Federal Government in meeting needs of unemployed Stop Must advise that even though Legislature passes tax measures which would at some future date provide Pennsylvania's share it will be necessary that an amount of at least three million per month must be made available immediately as a condition for any further grants with the understanding that this is to be increased up to a total of sixty million for the year as tax receipts progressively increase.

(Signed) Harry L. Hopkins"

Mr. Hopkins' telegram is pursuant to a conference held in his office at Washington on Thursday, May 2, attended by a sub-Committee of the Senate, the State Relief Administrator, and the Governor.

At that conference, the Federal Emergency Relief Administrator stated that Pennsylvania, beginning May 15, must contribute $5,000,000 a month in cash toward the present approximate $20,000,000 cost of unemployment relief; or, in place thereof, must enact a $60,000,000 tax program specifically earmarked for unemployment relief for the ensuing year.

Mr. Hopkins at the conference made the further statement that in the event of the enactment of a $60,000,000 unemployment relief tax program, that such a program must insure a "substantial" monthly cash contribution for unemployment relief. His present telegram, quoted above, fixes $3,000,000 in cash as Pennsylvania's initial monthly minimum contribution for unemployment relief under any tax program to be enacted by: the Legislature, with further monthly cash contributions to be graded upward until $60,000,000 has been contributed by the State for the full year.

Inasmuch as present unemployment relief funds will be entirely expended on May 15, and as but nine days remain until that date, I beg to call your attention to the urgency of the crisis which confronts our 1,750,000 unemployed, needy, men, women and children now on unemployment relief rolls.

Again, Gentlemen of the Senate, I appeal to your humanity for immediate action in this situation, so that we may avert a complete breakdown of unemployment relief on May 15 in this Commonwealth.

GEORGE H. EARLE.

RESOLUTION

RECALLING HOUSE BILL NO. 1383 FROM THE GOVERNOR

Mr. MORAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 6, 1935.

Resolved (if the Senate concur) that. House Bill No, 1383, Printer's No. 470, entitled "An act to amend section

two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL NO. 1885 FROM THE GOVERNOR

Mr. STEVENS offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 6, 1935.

Resolved (if the Senate concur), that House Bill No. 1885, Printer's No. 734, entitled "An act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

Mr. OMINSKY offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 6, 1935.

Whereas, on Thursday, May 2, 1935, the friends and constituents of the Honorable John J. Finnerty tendered him a testimonial dinner—the same as all other good Democrats have had thus far, and

Whereas, his admirers, friends, and constituents presented him with a black bag (not a small one) to show their appreciation of his good work on behalf of his constituents, and

Whereas, the term "black bag" in the past has had a diversified and dual meaning,

Therefore, be it resolved if my other colleague, the Honorable Marshall L. Shephard, concur that unless the recipient of the aforesaid black bag, the Honorable John J. Finnerty, consult with his other two colleagues from the 18th Philadelphia Legislative District, before he makes use of this empty black bag, we reserve the right to challenge his vote on any legislation which may be favorable or beneficial to the aforesaid District.

Resolved, that a copy of this resolution be transmitted by the Chief Clerk of the House to the wife of the said Honorable John J. Finnerty, who is his inspiration.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2037, entitled:

An Act to amend section eighteen of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred and seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; and methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1137, entitled:

An Act to fix the time during which bills for service rendered by public service companies shall be payable at a discount and restricting the right to add and collect penalties except interest where discounts are not allowed in accordance with this act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2294, entitled:

An Act to further amend paragraph ten of section three hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated propetry and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political Subdivision of the State and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth", by further defining the moneys payable into the State Treasury to the Credit of the Manufacturing Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2317 (Senate Bill No. 609), entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second readng and consideration of House Bill No. 2301, entitled:

An Act to amend section two of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws four hundred forty-two entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" by providing for armories for the tank regiment of the Pennsylvania National Guard

The first section was read as follows:

Section Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws four hundred forty-two) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" is hereby amended to read as follows

On the question,

Will the House agree to the section?

Mr. FORREST. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 3, line 3, by striking out with heavy-faced brackets the words "war veterans" and insert in lieu thereof "those having honorable discharges from the army, navy, marine corps, National Guard or other military forces."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Section two and title were separately read and agreed to as follows:

Section 2 That the Armory Board as appointed is hereby empowered and directed to erect or provide anywhere within the limits of this Commonwealth upon such terms and conditions as shall be decided upon by said Armory Board as most advantageous to the Commonwealth armories for the use of the National Guard of Pennsylvania which armories shall be used for drill meeting and rendevouz purposes by the organization of the National Guard occupying same and in which shall be stored and safely kept all property of the United States or of the Commonwealth issued to such organization for military purposes

The Armory Board shall provide such armories as may be necessary to accomodate the various companies of the tank regiment of the Pennsylvania National Guard and to store and safely keep all property of the United States or of the Commonwealth issued to such organization for military purposes In the erection of such armories only war veterans of the United States shall be employed

An Act to amend section two of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws four hundred forty-two) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" by providing for armories for the tank regiment of the Pennsylvania National Guard

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second readng and consideration of House Bill No. 2296, as follows:

An Act to further amend section five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for a tank regiment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by section one of the act approved the twenty-eighth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred) is hereby further amended to read as follows

Powers of the Governor

Section 5 The Governor of this Commonwealth as Commander-in-Chief shall have the power and is hereby authorized and directed to alter increase divide annex consolidate disband organize or reorganize any organization department corps or staff so as to conform as far as practicable to any organization system drill instruction corps or staff uniform or equipment or period of enlistment now or hereafter prescribed by the laws of the United States and the rules and regulations promulgated thereunder for the organization and regulation of the National Guard Provided That there may be organized and at all times maintained a tank regiment as a unit of the National Guard

For [that purpose] the purposes above enumerated the number of officers noncommissioned officers and enlisted men of any grade in any organization department corps or staff may be increased or diminished and the grade of such officers noncommissioned officers and enlisted men may be altered to the extent necessary to secure as far as practicable such uniformity Officers rendered surplus by either the disbandment consolidation or reorganization of their respective organizations shall be placed in the National Guard Reserve or such officers may be held as supernumerary officers during the unexpired portion of their respective commissions at the sole discretion of the Governor as Commander-in-Chief and the period of time for which such officers are held as supernumerary may be included in computing the necessary length of service to entitle a commissioned officer to be placed upon the retired list

The Governor as Commander-in-Chief shall have power in case of war invasion insurrection riot or imminent danger thereof to increase the land forces of this Commonwealth and organize the same in accordance with the existing rules and regulations governing the armies of the United States as the exigency of the occasion may require and such organization and increase may be either pursuant to or in advance of any call made by the President

The Governor may in his discretion place the National Guard or any part thereof on active duty when an invasion of the State or an insurrection in the State occurs or is threatened of when tumult riot or mobs shall exist or in imminence thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second readng and conation of House Bill No. 2489, as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing therein authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of the construction regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following streets or sections thereof in cities of the first class are hereby adopted by the Commonwealth as State highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained and thereafter to be maintained constructed reconstructed and resurfaced at the expense of the Commonwealth upon the terms and conditions and subject to the limitations hereinafter provided

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-fourth Street thence northerly over Forty-fourth Street to an intersection with Powelton Avenue thence over Powelton Avenue to an intersection with Forty-second Street thence over Forty-second Street to an intersection with Spring Garden Street thence over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia City-Millbourne Borough Line thence over Market Street to an intersection with Sixty-third Street thence southerly over Sixty-third Street to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with South Sixty-third Street thence northerly over South Sixty-third Street to an intersection with Chestnut Street beginning again at the intersection of South Sixty-third Street and Walnut Street thence southerly over Cobb's Creek Boulevard to an intersection with Sixty-first Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 13.10 miles

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Springfield Avenue thence northeasterly over Springfield Avenue to an intersection of Springfield Avenue and Baltimore Avenue thence northeasterly over Baltimore to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Market Street at Thirty-second Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County Line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Market Street at Thirty-second Street a distance of about 4.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Conshohocken Avenue thence southeasterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue a distance of about 2.80 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt Airy Avenue thence along Mt Airy Avenue to an intersection with Germantown Avenue beginning again at the intersection of Germantown Avenue and Mt Pleasant Avenue thence southwesterly over Mt Pleasant Avenue to an intersection with Lincoln Drive a distance of about 2.66 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks

County Line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about .70 of a mile

Beginning at a point on the Philadelphia City-Bucks County Line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Penrose Avenue thence northeasterly over Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about 7.40 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Essington Avenue thence northeasterly on Essington Avenue to an intersection with Penrose Avenue thence northeasterly on Penrose Avenue to the intersection of Penrose Avenue and Eighty-fourth Street beginning again at the intersection of South Broad Street and Washington Street thence easterly on Washington Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Ash Street thence northwesterly on Ash Street to an intersection with Thompson Street thence northerly on Thompson Street to an intersection with Bridge Street thence northwesterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street to the approach to the Tacony-Palmyra Bridge a distance of about 10.25 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt Pleasant Avenue thence northeasterly on Mt Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue thence to an intersection with the Roosevelt Boulevard a distance of about 8.76 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Lane thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly over Ridge Avenue to an intersection with Thirty-third Street thence southerly over Thirty-third Street to an intersection with Pennsylvania Avenue thence southerly over Pennsylvania Avenue to an intersection with Callowhill Street thence easterly over Callowhill Street to an intersection with Delaware Avenue beginning again at the intersection of Callowhill Street and Ridge Avenue thence southeasterly over Ridge Avenue and Ninth Street to an intersection at Ninth and Race Streets a distance of about 10.50 miles

Beginning at a point on the Philadelphia City-Rockledge Borough Line on Huntingdon Pike thence southeasterly on Huntingdon Pike to an intersection with Hasbrook Avenue thence southerly on Hasbrook Avenue to an intersection with Hartel Street thence southeasterly on Hartel Street to an intersection with Oxford Avenue thence southerly on Oxford Avenue to the intersection of Oxford Avenue and Rising Sun Avenue thence southerly on Rising Sun Avenue to an intersection with the Roosevelt Boulevard a distance of about 4.00 miles

Beginning at a point on the Philadelphia City Montgomery County Line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Havorford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with Pennsylvania Avenue a distance of about 4.10 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Cardington Road thence northerly over Cardington Road to an intersection with Lansdowne Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County Line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with Stenton Avenue thence northwesterly on Stenton Avenue to an intersection with Johnson Street thence southwesterly on Johnston Street to the intersection of Johnson Street and Park Line a distance of about 3.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Walnut Lane a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Darby Borough Line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection with Island Road thence southeasterly over Island Road to an intersection with Elmwood Avenue thence northeasterly over Elmwood Avenue to an intersection with Sixty-third Street thence southeasterly over Sixty-third Street to an intersection with Passyunk Avenue thence easterly over Passyunk Avenue to an intersection with South Twenty-fifth Street thence northerly over South Twenty-fifth Street to an intersection with Washington Street thence easterly on Washington Street to the intersection of Washington Street and South Broad Street a distance of about 6.5 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now opened which form a part of the same route as herein described

Section 3 The city streets or sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of January one thousand nine hundred thirty-six subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and

no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface course

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structure shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an overhead or undergrade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such street which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning and shall be limited to the portions of the street between existing curb lines available to vehicular traffic

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof without the consent of the city evidenced by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby such damages to be ascertained and paid in accordance with the laws applicable thereto

Section 8 Before the Department of Highways shall proceed with the construction reconstruction or resurfacing of any of the streets or sections thereof as described in section two of this act the city after being notified of the contemplated improvement shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the said street or sections thereof when completed shall not be torn up or opened for a period of five years except in emergency cases and subject to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs

Section 9 No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act until and unless a permit has been obtained for such opening either from the city authorities or from the Department of Highways pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the city Where a permit is not obtained from the Department of Highways as above provided the city shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Department of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25.00) dollars and in addition thereto the costs of prosecution and surface restoration charges and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 10 Before the commencement of any work authorized under the provisions of this act the city shall upon notice from the Secretary of Highways so to do establish and thereafter maintain at its own expense an adequate detour for the accommodation of the traveling public for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel Such detour when established as herein provided shall be marked and posted by the Department of Highways at the expense of the Commonwealth

Section 11 Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city in the manner and subject to the limitations provided by law for the purpose of assisting in the improving construction reconstructing or resurfacing any of the streets or sections thereof the improvement of which is authorized in accordance with the provisions of this act

Section 12 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance construction reconstruction or resurfacing of any street or section thereof under the provisions of this act shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purpose of this act

Section 13 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full

force and effect as completely as though the part or parts held unconstitutional had not been included herein

Section 14 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 15 This act shall become effective the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2569, entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred and seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplement thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by further modifying the procedure for the settlement collection and payment of the State tax on the stock of title insurance and trust companies and by changing the manner of determining the value of the shares of stock of title insurance and trust companies

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of June one thousand nine hundred and seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1132) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every company incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and its supplement or any other act of Assembly hereafter approved for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and every company entitled to benefits of and every company having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies and every company organized as a bank and trust company or as a trust company under any act of Assembly hereafter approved shall on or before the fifteenth day of March in each and every year make to the Department of Revenue a report in writing setting forth the full number of shares of the capital stock subscribed for or issued by such company and the actual value thereof as of December thirty-first preceeding which shall be ascertained as hereinafter provided and thereupon it shall be the duty of the Department of Revenue to assess such shares for taxation at the rate of five mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together [so much of] the amount of capital stock paid in the surplus and undivided profits as shown by the statement furnished the Comptroller of Currency of the United States the Secretary of Banking of the Commonwealth of Pennsylvania and the books of the company

[As is not invested in shares of stock of corporations liable to pay to the Commonwealth a tax on shares or

As is not invested in such portion of the capital stock of corporations liable to pay to the Commonwealth a capital stock tax as the capital stock of such corportion employed within this Commonwealth and liable to a capital stock tax bears to the total capital stock of such corporation or

As is invested in such portion of the capital stock of corporations specifically relieved under the laws of this Commonwealth from the payment of a capital stock tax as the capital stock of such corporation employed within this Commonwealth and relieved from the payment of a capital stock tax bears to the total capital stock of such corporation]

[And] and dividing this amount by the number of shares

It shall be the duty of every such company within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That upon the payment of the tax fixed by this act into the State Treasury through the Department of Revenue the shares and so much of the capital stock surplus profits and deposits of such company as shall not be invested in real estate shall be exempt from all other taxation under the laws of this Commonwealth The procedure in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company and the penalties for failing to make such report and pay the tax shall be as provided by law

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FLANAGAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2635, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by changing the method of determining the value of the shares of stock of banks and savings institutions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1130) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every bank or savings institution having capital stock incorporated by or under any law of this Commonwealth or under any law of the United States and located within this Commonwealth shall on or before the fifteenth day of March in each and every year make to the Department of Revenue a report in writing verified as required by law setting forth the full number of shares of the capital stock subscribed for or issued as of the preceding thirty-first day of December by such bank or savings institution and the actual value thereof as of the preceding thirty-first day of December which actual value shall be ascertained as hereinafter provided It shall be the duty of the Department of Revenue to assess such shares for taxation at the same rate as that imposed upon other moneyed capital in the hands of individual citizens of the State that is to say at the rate of four mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits as shown by the statement furnished the Comptroller of Currency of the United States the Secretary of Banking of the Commonwealth of Pennsylvania and the books of such bank or savings institution and dividing this amount by the number of shares It shall be the duty of every bank or savings institution within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That in case any bank or savings institution having capital stock incorporated under the law of this State or of the United States shall collect annually from the shareholders thereof said tax of four mills on the dollar upon the actual value of all the shares of stock of said bank or savings institution according to the provisions of this act that have been subscribed for or issued and pay the same into the State Treasury through the Department of Revenue the shares and so much of the capital and profits of such bank or savings institution as shall not be invested in real estate shall be exempt from local taxation under the laws of this Commonwealth and such bank or savings institution shall not be required to make any report to the local assessor or county commissioners of its personal property owned by it in its own right for purposes of taxation and shall not be required to pay any tax thereon The procedure in case the Department of Revenue be not satisfied with the report made by any bank or savings institution and the penalties for failing to make such report and pay the tax shall be as provided by law

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. RUTH. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 685, as follows:

An Act to amend the title and to reenact subsection (b) as amended of section thirty-five of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled 'An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts and decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the apointment bonds rights powers duties and liabilities of trustese durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jursidiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" authorizing executors and administrators to sue and be used in certain actions in which their decedent might have sued or been sued

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and

children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of action and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other procedings and fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

An Act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other procedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all maters relating to fiduciaries concerned with the estates of decedents"

Section 2 Subsection (b) of section thirty-five of said act as last amended by the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-two) is hereby reenacted to read as follows

(b) Executors or administrators shall have power either alone or jointly with other plaintiffs to commence and prosecute all actions for mesne profits or for trespass to real property and all personal actions which the decedent whom they represent might have comemnced and prosecuted except actions for slander and for libels and they shall be liable to be sued either alone or jointly with other defendants in any such action except as aforesaid which might have been maintained against such decedent if he had lived

All such rights of action which were not barred by the statutes of limitation at the time of the death of decedent may be brought against his executors or administrators at any time within one year after the death of the decedent notwithstanding the provisions of any statutes of limitations whereby they would have been sconer barred

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2680, as follows:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be called and cited as the "Occupational Disease Supplement to the Workmen's Compensation Act of one thousand nine hundred fifteen"

Section 2 The term "occupational disease" as used in this act shall mean and include only

(a) Poisoning by lead mercury phosphorous or arsenic resulting from any process involving use of or direct contact with lead mercury phosphorous or arsenic or their preparations and compounds

(b) Poisoning by methanol carbon bisulphide naphtha or volatile halogenate hydro-carbons resulting from any process involving the use of or direct contact with methanol or any preparation or compound containing methanol carbon bisulphide naphtha or volatile halogenated hydrocarbons

(c) Poisoning by manganese dioxide resulting from any process involving the use of or direct contact with manganese dioxide

(d) Poisoning by brass or zinc resulting from any process involving the founding or refining of brass or the melting or smelting of zinc

(e) Poisoning by benzol or by nitro- and amido-derivatives of benzol (dinitro-benzol anilin and others) resulting from any process involving the use of or direct contact with benzol or nitro- or amido-derivatives of benzol its preparations and compounds

(f) Compressed air illness resulting from any employment carried on in compressed air

(g) Destruction of tissue by radium or x-rays resulting from any process involving the use of or direct contact with radium radio-active substances or x-rays

(h) Chrome ulceration resulting from any process involving the use of or direct contact with chrome acid or bichromate of ammonium potassium or sodium or their preparations

(i) Epithelomatous cancer or ulceration of the skin or of the corneal surface of the eye resulting from the handling or use of tar pitch bitumen mineral oil or paraffin or any compound product or residue of any of these substances

(j) Infection or inflamation of the skin or contact surfaces resulting from the handling or use of or direct contact with oils cutting compounds or lubricants or from contact with dusts liquid fumes gases or vapors

(k) Anthrax resulting from the handling of wool hair bristles hides or skins and bodies of animals either alive or dead

(l) Silicosis in the second and third stages resulting from the breathing of the dust of silica Provided however That when disability or death results from silicosis ac-

companied by pulmonary tuberculosis compensation may be made at any stage and

(m) Chronic incapacitating miners' asthma resulting from employment in the coal mining industry

Section 3 The word "silicosis" as used in this act shall be construed to mean a disease due to breathing air containing silica (SiO2) characterized automatically by generalized vibrotic changes from development of miliary modulation in both lungs and clinically by shortness of breath The disease is divided into three stages as follows

(a) The first stage (corresponding to the ante-primary stage of South Africa) exists when it is found that the earliest detectible signs of silicosis are or have been present whether or not capacity for work is or has been impaired

(b) The second stage (corresponding to the primary stage of South Africa) exists when it is found that definite and specific signs of silicosis are or have been present and that capacity for work is or has been seriously and permanently impaired

Section 4 The word "disabled" as herein used shall mean disabled from earning full wages in the employment in which the employe was employed Disability means the state of being so disabled The date when the disability occurs from occupational disease shall be deemed to be the date of injury or accident The amount of compensation to be paid shall be calculated with reference to the wages of the employe under the employer from whom the compensation is recoverable

Section 5 When an employer and employe shall by agreement accept the provisions of article three of the Workmen's Compensation Act of one thousand nine hundred fifteen as therein provided compensation for occupational disease arising out of and in the course of employment shall be paid in all cases by the employer according to the schedule provided in such act subject to the special terms and conditions relative thereto as set forth in this act When an employe is suffering from an occupational disease and is thereby disabled or the death of an employe is caused by any such disease and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date when he became disabled whether under one or more employers he or his dependents shall be entitled to compensation

Section 6 If it shall be shown that the employe at or immediately before the date of disability from occupational disease was employed in any process or employment set forth in sectin two and such disease may result from such process or employment it shall be presumed that the occupational disease resulted from such employment but such presumption shall not be conclusive If an employe is suffering from an occupational disease and was not then engaged in an occupation set forth in section two he may nevertheless show that such occupational disease was in fact due to the nature of his employment

Section 7 In cases of claims for compensation for injuries or death resulting from occupational disease the compensation shall be recoverable from the employer who last employed the employe during the twelve months' period prior to the date of disability in the employment to the nature of which the disease is due but the employe or his dependents if so required shall furnish the employer with such information as to the names and addresses of all other persons who employed him during the last twelve month and if such information is not furnished or is not sufficient to enable the employer to take proceedings under the following provisions the employer upon proving that the disease was not contracted while the employe was in his employ shall not be liable to pay compensation

If the employer alleges that the occupational disease was in fact contracted while the employe was in the employment of some other employer and not while in his employment he may join such other employer as a party to the proceedings and if the allegation is proved such other employer shall be the employer from whom the compensation is recoverable

If the occupational disease is of such a nature as to be contracted by a gradual process any other employer who during the said twelve months period employed the employe in the employment to the nature of which the disease is due shall be liable to make to the employer from whom compensation is recoverable such contributions as in default of an agreement may be determined by the board

Section 8 The employer to whom notice of the disability or death is to be given shall be the employer who last employed the employe during the said twelve months in the employment to the nature of which the disease was due Provided however That the failure to comply with any requirement as to notice shall not forfeit the right to compensation if it shall be shown that such failure was due to the fact that the disability was not attributed to occupational disease and that notice was given within the prescribed time from the date when the disability was so attributed

Section 9 Compensation shall be made for silicosis only in the second and third stages Provided however That when disability or death results from silicosis accompanied by pulmonary tuberculosis compensation may be made at any stage Compensation for silicosis also shall be made only when it is shown that the employe has had two years aggregate employment in the Commonwealth of Pennsylvania in an employment or employments to the nature of which such disease is due

Section 10 As the basis of payment of compensation for miners' asthma it must appear

(a) That the disease is due to the process or employment of coal mining

(b) That the condition of the employe is chronic

(c) That he is incapacitated from working in the coal mining industry and

(d) That the employe has had five years aggregate employment in the coal mining industry in the Commonwealth of Pennsylvania

Section 11 An employe who has at the time of entering the employment willfully and falsely represented himself in writing as not having previously suffered from the occupational disease for which he is claiming compensation shall forfeit all right to compensation therefor

Section 12 The several provisions of the Workmen's Compensation Act of one thousand nine hundred and fifteen as amended and supplemented or re-enacted and to which this act is a supplement shall be applicable to this act in so far as they are consistent with the terms hereof Where the Workmen's Compensation Act of one thousand nine hundred and fifteen is referred to hereafter the reference is to the act as amended and supplecented or re-enacted

Section 13 It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and and effect as completely as if the part held unconstitutional had not been included herein

Section 14 This act shall become effective on the first day of January one thousand nine hundred thirty-six

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

BILL RECOMMITTED

Mr. DENT. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2527 as follows:

An Act providing for special vocational trade industrial and commercial schools and classes in cooperation with school districts and employment reemployment and adjustment offices for the training re-training and instruction of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Superintendent of Public Instruction shall have power to investigate the need for industrial and commercial schools and classes in cooperation with school districts and in cooperation with employment reemployment and adjustment offices for the training re-training instruction and adjustment of persons over sixteen years of age who have left school and who due to changing conditions are in need of training re-training and instruction in order to enter or re-enter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and coordinators to conduct such special schools and classes in an effective manner and to pay from the appropriation made by this act not less than fifty per centum of the salaries of said teachers supervisors and coordinators and not more than fifty per centum of such salaries shall be paid from available Federal funds provided in accordance with the acts of the Congress of the United States providing for the development and further development of vocational education approved February twenty-third one thousand nine hundred and seventeen (Public Act Number three hundred forty-seven) and May twenty-first one thousand nine hundred and thirty-four (Public Act Number two hundred forty-five)

Section 2 No vocational trade industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational trade industrial and commercial school or class established by a school district under the provisions of the act approved May first one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments

Section 3 The total expenditure from State and Federal funds for salaries of teachers in schools and classes established under the provisions of this act shall not exceed in any one year the following amounts school districts of the first class five thousand dollars ($5,000) school districts of the second class two thousand five hundred dollars ($2,500) school districts of the third class one thousand two hundred dollars ($1,200) and school districts of the fourth class three hundred dollars ($300) except where classes are conducted in cooperation with a school district and pupils are admitted in such classes from other school districts where such classes are not conducted in which case an additional amount may be expended for salaries of teachers in said school district in proportion to the number of pupils served from such other school districts Provided That the additional sum so expended shall not exceed the amount that could have been expended in such other school districts under the provisions of this act

Section 4 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction to carry out the provisions of this act for the payment of the salaries of teachers supervisors and coordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective on the thirty-first day of June one thousand nine hundred and thirty-five and shall remain in force until May thirty-first one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUTH. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2576 as follows

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as added by the act approved the twentieth day of March one thousand nine hundred and thirty-five (Act Number four) is hereby amended to read as follows

LVIII Inclines Planes To acquire by purchase lease or otherwise from a public service company any existing inclined plane passenger and vehicular traffic transportation facilities and to maintain and operate the same in the transportation of passengers and vehicles for hire and for the accomodation of the public and in like manner to acquire or to establish bus feeder lines and to maintain and operate the same in connection with such inclined plane passenger and vehicular traffic transportation facilities

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2539, entitled:

An Act to amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Common-

wealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" by adding a new section thereto authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act and providing for the payment of all moneys received thereby into the General Fund

Section 1 Be it enacted by the Senate and House of

The first section was read as follows:

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1122) is hereby further amended by adding at the end of said act the following new section to read as follows

Section 16 (A) The Secretary of Revenue is authorized to dispose of after advertisement and competitive bidding to the highest bidder upon such terms and conditions and at such times as the Secretary shall prescribe a copy of the official list of persons licensed under the provisions of this act No other copy of said list shall be disposed of unless otherwise authorized by law

(B) The purchaser of the official list of persons licensed under the provisions of this act is authorized to reprint and use the list for commercial purposes

(C) All moneys received by the Department of Revenue from the sale of the copy of such official list shall be paid into the Treasury Department and credited to the General Fund

On the question,

Will the House agree to the section?

Mr. Piole. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, lines 16 to 29, both inclusive, by underscoring the entire said lines.

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Section two and the title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and two) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" by adding a new section thereto authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act and providing for the payment of all moneys received thereby into the General Fund

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2356, entitled:

An act requiring the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to give preference to articles produced manufactured made milled or mined in this Commonwealth regulating bids for contracts and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State shall when making any purchases whether direct or by contract give preference to articles of every description produced manufactured made milled or mined in this Commonwealth Provided That such articles can be had at no increase in price over the price for which the same articles from without the Commonwealth can be purchased

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 8, by striking out the words "give preference to" at the end of the line, and insert in lieu thereof the word "purchase"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third, fourth, and fifth sections were separately read and agreed to as follows:

Section 2 All bids on contracts to furnish any article or for work including the furnishing of materials shall separately specify the price for articles or materials produced manufactured made milled or mined in this Commonwealth and for those from without the Commonwealth Provided That in all cases the articles or materials furnished must meet the requirements of specifications

Section 3 In the case of manufactured articles the place where the same is assembled or made into the form in which it is supplied shall govern and not the place where the component parts or any of them are produced manufactured made milled or mined

Section 4 Any person making a purchase or executing a contract in violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed one thousand dollars ($1,000)

Section 5 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

The title was read as follows:

An act requiring the Commonwealth and all of its departments boards and commissions all State institutions

all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to give preference to articles produced manufactured made milled or mined in this Commonwealth regulating bids for contracts and prescribing penalties

On the question,

Will the House agree to the title?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Line 5, Page 1, of Title, by striking out the words "give preference to" and insert in lieu thereof the word "purchase"

On the question,

Will the House agree to the amendments?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2250 as follows:

An act providing for the payment from the General Fund to the Federal Government of certain moneys derived as net profits from Emergency Conservation Projects and lands acquired from the Federal Government

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any moneys hereafter paid into the General Fund of the State Treasury arising from profits derived from Emergency Conservation Works Projects or accruing as net profits from the administration of lands acquired from the Federal Government and its agencies and which moneys may be required by Federal Law or order or by agreement from time to time between the Secretary of Forests and Waters and the Secretary of the United States Department of Agriculture or the Secretary of the United States Department of the Interior to be paid in whole or in part to the Federal Government are hereby appropriated from the General Fund to the Secretary of Forests and Waters for such purposes and for payment over to the Federal Government

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2495 as follows:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said department in relation thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no political subdivision of this Commonwealth shall file any petition in any district court of the United States under the Municipal Bankruptcy Act adopted by the Congress of the United States approved the twenty-fourth day of May one thousand nine hundred and thirty-four Public Act Number two hundred fifty-one Seventy-third Congress entitled "An Act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States' approved the first day of July one thousand eight hundred and ninety-eight and Acts amendatory thereof and supplementary thereto" alleging that it is insolvent or unable to meet its debts as they mature and expressing its desire to effect a plan of readjustment of its debts unless such petition has first been submitted to and the filing thereof has been first approved in writing by the State Department of Internal Affairs Said department is hereby designated in accordance with said act of Congress as the agency of the Commonwealth of Pennsylvania which shall have power to approve or disapprove the filing of any such petition of a political subdivision and to approve or disapprove any plan of readjustment of the debts of any such political subdivision prepared filed and submitted with the petition to the court as provided in said act of the Congress

Section 2 When any such petition shall be submitted to the Department of Internal Affairs for approval accompanied with a proposed plan of readjustment of the debts of a political subdivision the department shall make a careful and thorough investigation of the financial condition of such political subdivision of its assets and liabilities of its sinking fund and whether the affairs thereof are managed in a careful prudent and economic manner in order to ascertain whether the presentation of such petition is justified or represents an unjust attempt by such political subdivision to evade payment of some of its contractural obligations and if the department believes that such petition should be approved whether the plan of readjustment submitted will be helpful to the financial condition of the political subdivision and is feasible and at the same time fair and equitable to all creditors

The Department of Internal Affairs shall also prior to giving its approval ascertain the amount if any of the obligations of any such petitioning political subdivision which is held by any agency or agencies of the State government as trust funds and shall before approving any such petition and plan of readjustment consult with and give every such agency an opportunity to be heard and the privilege to examine the findings of the department resulting from the investigation hereinbefore required to be made and shall likewise hear any other creditor of such political subdivision whether resident within or without this Commonwealth who shall apply therefor

The department if it approves a petition shall before giving its approval require such modification in the proposed plans for readjusting the debts as to it appears proper

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2393 as follows:

An act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of

certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" as amended by the act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred fifty-eight) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every creamery shipping station milk factory cheese factory ice cream factory or milk condensary or person receiving buying and paying for milk or cream regardless of the method of settlement shall be required to hold a permit for each and every place where milk or cream is received by weight or measure Provided however That nothing in this act shall apply to individuals buying milk or cream for private use or to producers buying milk in emergencies to make up their regular supply or to persons buying from dealers already holding a permit or to hotels restaurants boarding houses railroad dining cars retail stores or drug stores. The permit shall be issued by the Secretary of Agriculture to such creamery shipping station milk factory cheese factory ice cream factory or milk condensary or person upon the payment of a fee of five dollars ($5.00) and after filing of such information and furnishing satisfactory evidence of good character of the applicant if he be an individual or of the members of the copartnership if the applicant be a copartnership or of the officers of the corporation or association if the applicant be a corporation or an association as may be required by the Secretary of Agriculture [All moneys so collected shall be used to meet the expenses of the Department of Agriculture in the enforcement of this act] The permit shall be valid for a term of one calendar year and may be revoked by the Secretary of Agriculture for any violation of the provisions of this act This permit issued hereunder shall be posted in plain view in the station for which it is issued

Section 2 That sections two and three of said act are hereby amended to read as follows

Section 2 It shall be unlawful for any person association copartnership or corporation their agents or servants engaged in the business of buying milk or cream on the basis of or in any manner with reference to the amount or percentage of butterfat contained therein to take collect or use for testing purposes an unfair or inaccurate sample to under-read over-read or [otherwise fraudulently] erroneously manipulate the test commonly known as the "Babcock test" used for determining the percentage of such fat in said milk or cream or to falsify the record thereof or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty-five degrees to one hundred forty-five degrees Fahrenheit or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream In all tests of cream the cream shall be weighed and not measured into the test bottle

Section 3 No person association copartnership or corporation purchasing milk or cream and paying for the same on the basis of the percentage of butterfat contained therein shall if the percentage of butterfat is ascertained by the said "Babcock test" use any test glassware except standard Babcock test glassware [which has] and weights which have been previously inspected and approved by [the Bureau of Standards of] the Department of Internal Affairs If the proportion of butterfat is determined by any method other than the "Babcock test" no utensil or instrument shall be used in such determination until the same has been inspected and approved by the Secretary of Agriculture or his agents

Section 3 That section four of said act as amended by the act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred fifty-eight) is hereby further amended to read as follows

Section 4 Every person association copartnership corporation or agent or servant thereof engaged in the business of receiving or buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein or tests made for official inspection or public records as determined by the "Babcock test" shall have the test or tests made only by a licensed tester who shall be responsible for the same and who shall keep a proper and permanent record of all tests made and a copy of such record shall be kept by the owner or manager of the plant

For the purpose of this act a licensed tester is any person who having furnished satisfactory evidence of good character and having passed a satisfactory examination in milk and cream testing conducted by the Pennsylvania Department of Agriculture shall have received a certificate of proficiency from the said department Each applicant for examination for such certificate shall pay a fee of three dollars ($3.00) to the Secretary of Agriculture or his agents The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number The Secretary of Agriculture upon the receipt of this certificate of proficiency together with the payment of a fee of three dollars ($3.00) shall issue a license to said applicant good for one calendar year This license shall be renewed annually without further examination at the discretion of the Secretary of Agriculture upon the payment of a fee of three dollars ($3.00) [All moneys so collected shall be used to meet the expenses of the Department of Agriculture for the enforcement of this act] Each certified tester shall post his license in plain view in the testing room in which he is employed The Secretary of Agriculture shall revoke said license for failure to post it as above required or for any other just cause

Section 4 That section five of said act as amended by said act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred fifty-eight) and as corrected by the act approved the twenty-seventh day of March one thousand nine hundred and twenty-nine Pamphlet Laws eighty-three) is hereby further amended to read as follows

Section 5 Every person association copartnership or corporation engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein or tests made for official inspection or public record shall have the samples taken for testing purposes either by a licensed tester or by a person licensed or certified to weigh and sample milk and cream For the purpose of this act a person certified to weigh and sample milk or cream is any person who having furnishing satisfactory evidence of good character and having passed a satisfactory examination in weighing and sampling milk and cream conducted by the Department of Agriculture shall have received a certificate of proficiency from said department Each applicant for examination for such certificate shall pay a fee of one dollar and fifty cents ($1.50) to said department The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number The Secretary of Agriculture upon receipt of this certificate of proficiency together with the payment of a fee of three dollars ($3.00) shall issue a license to said applicant good for one calendar year This license shall

be renewed annually without further examination at the discretion of the Secretary of Agriculture upon the payment of three dollars ($3.00) [All moneys so collected shall be used to meet the expenses of the Department of Agriculture in the enforcement of this act] Each licensed weigher and sampler shall post his or her license in plain view in the plant in which he or she is employed The Secretary of Agriculture may revoke said license for failure to post it as above mentioned or for any other just cause

Section 5 That sections six eight nine eleven and twelve of said act are hereby amended to read as follows

Section 6 Any person association coparternship corporation or agents or servants thereof engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount or percentage of butterfat contained therein as determined by the "Babcock test" shall make such test at least once every sixteen days The milk or cream purchased from each person shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk or cream brought from said person and shall cover a period of not more than sixteen days The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk or cream bought from each person concerned and composite samples of all persons concerned shall cover the same period of time Any person taking a sample or samples of milk or cream either from the aliquot part of each lot of milk sampled or from the composite lot of milk or cream sampled shall thoroughly stir and mix each and every container immediately before such sample or samples are taken in such manner that the milk and cream are thoroughly mixed in each container before the sample is taken No weigh tank or container from which the aliquot part is taken for composite samples shall have any partition division or strainer which may divide it in any way into more than one compartment the volume of milk from which the sample is taken Each composite sample shall be held in an air-tight bottle—such bottle being plainly labeled showing the name or number of the person whose milk or cream the composite sample represents—and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples The Secretary of Agriculture may require that the composite samples be tested on the premises where they are taken whenever in his judgmnt such action is for the public welfare After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten days in order to make possible a check test The Secretary of Agriculture or his agents is hereby authorized to make such tests whenever in his judgemnt such tests are advisable for the public welfare Every person firm or corporation affected by the provisions of this act shall within two days after the day on which the test herein provided for has been made notify the seller of such milk or cream or his agent in writing or by individual printed statement of the result of such test stating the period of time during which said composite samples were taken [Notice under this section may be given by posting of the results of said tests continuously for ten days in a conspicuous place in receiving stations or in writing] Where a daily test is made on milk or cream and the average of these several tests used as a basis of settlement there shall also be a composite sample taken covering a period of first and last half of month and shall be held intact on the premises for a period of not less than ten days in order that the Secretary of Agriculture or his agents may make check tests whenever in his judgment such tests are advisable for the public welfare.

Section 8 No person association copartnership or corporation purchasing or selling milk or cream or both by weight or measure or butterfat test and no agent or servant of any such person association copartnership or corporation shall [fraudulently] use as a basis of payment for such purchase may weight or measure or butterfat test other than the [true] approved weight or measure or butterfat test of the milk or cream purchased or sold

Section 9 Every person association copartnership corporation or agent or servant purchasing or receiving milk or cream from the producer thereof for manufacturing purposes or for re-selling the same shall at each time of apyment to such producer for such milk or cream or where the producer of such milk or cream is selling the same to such purchaser or received by or through co-operative association or other agency and the payment thereof is being made by such purchaser or receiver to such co-operative association or other agency shall at the time such purchaser or receiver makes each payment to such co-operative association or other agency give each such producer so delivering milk a statement showing the amount delivered daily during the time for which payment is made and the average per centum butterfat test of same provided payment is made on the basis of the butterfat content such statement to contain the name or number of the producer or seller of such milk or cream the date of delivery thereof and the amount so delivered such statement to be given in the terms of the unit used as a basis for determining the value thereof Provided however that such purchaser or received may in lieu of said monthly statement of weights give daily to such producer or to his agent at the time of delivery of such milk or cream to such purchaser or receiver a written statement of the amount of milk or cream so received or purchased

Section 11 The Secretary of Agriculture or his agents shall be charged with the enforcement of the provisions of this act and shall have authority to make such rules and regulations as are necessary for the proper enforcement of the provisions of this act

Section 12 For violation of any of the provisions of this act proceedings may be instituted against the owner or manager who is responsible for the business transacted together with the certified tester or the person weighing and sampling either or all to be held equally responsible

Section 6 That said act is hereby amended by adding thereto the following new section

Section 14A If any of the provisions of this act are declared unconstitutional or the applicability thereof to any person or circumstance is held invalid the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby

Section 7 This act shall become effective on the first day of August one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2541, entitled:

An Act providing that the Pennsylvania Rural Rehabilitation Corporation be recognized and designated as an agency of the Commonwealth to assist in the rehabilitation of individuals and families as self-sustaining citizens and authorizing the various officers boards courts and governing bodies of the Commonwealth engaged in the relief of destitution and unemployment to cooperate with said corporation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania Rural Rehabilitation Corporation a non-profit corporation organized by members of the staff of the Pennsylvania State Emergency Relief Board and incorporated under the laws of the Commonwealth of Pennsylvania to serve as an instrumentality in assisting to rehabilitate individuals and families by enabling them to secure subsistence and gainful employment in order to restore them as self-sustaining citizens and thereby reduce the burden of public relief for the needy and unemployed is hereby recognized and designated as an agency for the Commonwealth of Pennsyl-

vania and of the Pennsylvania State Emergency Relief Board and its successor within the powers and limitations of its articles of incorporation for the carrying out of said objects and purposes

Section 2 The corporation is hereby authorized to accept and receive loans grants and other assistance extended by the United States Government or departments or agencies thereof for its use or for relief and rehabilitation purposes as well as to receive like financial and other aid when extended by the Commonwealth of Pennsylvania or any of its departments political subdivisions or agencies or any municipality or from other sources either public or private and to employ the same in carrying out its rehabilitation purposes and activities

Section 3 That the various officers boards courts and governing bodies of the Commonwealth engaged in any way in the relief of destitution and unemployment are hereby authorized to cooperate with the said Pennsylvania Rural Rehabilitation Corporation for the purpose specified in section one of this act

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1564, entitled:

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred three) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two three four five six seven eight nine ten eleven twelve sixteen and seventeen of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred three) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where lands situated in one county now or hereafter shall be annexed to a borough situated in an adjoining county or where two or more boroughs are or hereafter shall be consolidated either or any of them being situated in different counties said lands which are so annexed or consolidated shall be governed for borough and school purposes as a part of the borough to which they are annexed or as a part of the newly consolidated borough and for county and poor purposes they shall be governed as a part of the county or poor district in which they are actually situated which said government shall be administered according to the general laws relating to boroughs school district counties and poor districts except as hereinafter otherwise provided

Section 2 Assessment for County and Poor Purposes The authorities in the county wherein the land is actually situated now or hereafter having authority to make the assessments on which the county and poor taxes are levied shall assess the taxable property within the lines of land lying in one county and annexed to or consolidated with a borough in an adjoining county and shall record the same in a separate book This assessment shall be made by the authority that would have made the assessment had the land not been annexed to or consolidated with the borough The owners of all property so assessed shall have the same right of appeal from this assessment as any other taxable in the same county

Section 3 Assessment for Borough and School Purposes The authorities within the county wherein is situated the borough to which such land has been annexed now or hereafter having authority to make the asesssment on which the borough and school taxes are levied or in case of a consolidated borough such authorities in the county in which a majority of the inhabitants of the borough resided at the time of such consolidation shall also assess the taable property within the territory which is situated in one county and has been annexed to a borough or consolidated with a borough of larger population which is situated in an adjoining county and shall record the same in a separate book This assessment shall be made by the authority which would have assessed this land had it been in the same county as the borough to which it is anneed or with which it is consolidated The owner of any property so annexed or consolidated shall have the same right of appeal from this assessment as any other taxable in the same county as the borough or as any other taxable in the county containing at the time of consolidation the majority of the inhabitants of such consolidated borough

Section 4 The Levy and Collection of Taxes for County and Poor Purposes The authorities within the county wherein the land actually is located that now are or hereafter shall be authorized to levy and collect thecounty and poor taxes shall levy and collect the taxes for county and poor purposes in such district which is situated in one county and has been annexed to or consolidated with a borough situated in an adjoining county and this shall include taxes rendered necessary for the paying of the interest principal of and taxes on bonds issued for county and poor purposes All remedies now or hereafter given by law for the collection of county and poor taxes and taxes for bonds issued for county or poor purposes in the county wherein the land is actually situated shall be available for the collection of the taxes mentioned in this section of this act The assessment on which said taxes shall be levied shall be the assessment made by the proper authorities in the county wherein the land is actually situated

Section 5 The Levy and Collection of Taxes for Borough and School Purposes The authorities within the borough and school district to which the said land has been annexed that now are or hereafter shall be authorized to levy and collect taxes for borough and school purposes or in case of a consolidation of boroughs such authorities in the borough and school district as consolidated shall levy the inhabitants of the consolidated borough resided at the time of such consolidation] as consolidated shall levy and collect the taxes for borough and school purposes in such territory which is situated in one county and has been annexed to or consolidated with a borough situated in an adjoining county and this shall include per capita

school taxes and taxes rendered necessary for paying the interest and principal of and taxes on bonds issued for borough and school purposes All remedies against the persons or the personal property of the taxable now or hereafter given by law for the collection of the taxes for said purposes in said borough or school district shall be available for the collection of the taxes mentioned in this paragraph but said taxes can be collected out of the land subject to the same only in the county wherein the land is actually situated in the manner now or hereafter provided by law The assessment on which the taxes mentioned in this section shall be levied shall be the assessment made by the proper authorities in the county wherein is situated the borough to which said land has been annexed or wherein a majority of the inhabitants of such a consolidated borough resided at the time of such consolidation Land in one county and annexed to a borough in an adjoining county or consolidated with a borough in an adjoining county in which resided at the time of such consolidation a majority of the inhabitants of the consolidated borough and taxable property therein and person of the taxable residing therein shall not be liable for township taxes for road or other purposes or for school purposes or for per capita school taxes or for taxes for bonds issued for any township or school district purposes in the county wherein the land is actually situated

Section 6 Jurisdiction of Courts in Actions Arising in Such Territories All prosecutions and summary proceedings for violations within land situated in one county and annexed to or consolidated with a borough situated in an adjoining county of borough ordinances and the school laws and the laws relating to motor vehicles shall be had only in the county wherein is situated the borough to which the said land is annexed or in case of a consolidation of boroughs the county in which a majority of the inhabitants of the consolidated borough resided at the time of such consolidation and the several courts of record in said county are hereby given jurisdiction thereof "but such prosecutions or proceedings may nevertheless be instituted before any court not of record located within the limits of such borough"

All civil suits (except those arising out of reports of viewers as hereinafter stated) and all prosecutions and summary convictions for all other offenses misdemeanors and crimes committed within land situated in one county and annexed to a borough situated in an adjoining county or situated in one county and consolidated with a borough situated in an adjoining county in which resided at the time of such consolidation a majority of the inhabitants of the consolidated borough shall be had in the court wherein the same would have been tried if said land had not been annexed to or consolidated with the said borough and the jurisdiction of the several courts of this Commonwealth to hear and determine the same shall not be affected in any way by the annexation or consolidation of such land to such borough except that the courts of the county wherein is situated the borough to which the land has been annexed or in which a majority of the inhabitants of the consolidated borough resided at the time of the consolidation shall have exclusive jurisdiction to hear and determine all prosecutions and summary convictions for violations within such land of borough ordinances the school laws and the laws relating to motor vehicles

Section 7 Municipal Improvements All laws now or hereafter giving authority to the borough to which such land has been annexed or to a consolidated borough to make any municipal improvement or improvements including the laying out and building of sewers the laying out and ordaining of streets and the establishment of the lines and grades thereof and the exercise of the right of eminent domain in connection with said authority and the grading curbing paving sewering and draining of streets and the assessing of abutting property for all or a part thereof shall be applicable to land situated in one county and annexed to or consolidated with a borough situated in an adjoining county and available to the borough to which such land has been annexed or to the consolidated borough and the proper authorities within the borough to which such land has been annexed or within the consolidated borough shall exercise such authority and jurisdiction in such land the same in all respects as though such land was in the same county [as the borough to which said land has been annexed] except that liens for the costs of said improvement or improvements shall be filed and prosecuted to judgment execution and sale only in the court of common pleas of the county wherein the land actually is situated In cases where viewers make the assessments of either benefits or damages the viewers shall be appointed by and report to the proper court in the county wherein is situated the borough to which said land has been annexed or the county in which a majority of the inhabitants of the consolidated borough resided at the time of such consolidation and appeals from and other proceedings relating to said viewers reports shall be had only in the court where the report of viewers is filed which said court is hereby given jurisdiction thereof with the right of appeal as in other cases But liens for benefits assessed by viewers shall be filed and prosecuted to judgment execution and sale only in the county wherein the land is actually situated which liens shall be based on the viewers reports that have been filed [in the county wherein the borough is situated] as herein provided

Section 8 Election Districts All land situated in one county and annexed to or consolidated with a borough situated in an adjoining county is hereby made a separate election district and it may be divided into more than one election district by the proper court of the county wherein the land is actually situated

Section 9 Jurisdiction of Courts in Regard to Elections The proper courts of the county wherein the land is actually situated shall have jurisdiction of all matters arising out of elections except that election contests (including primary election contests and other proceedings relating to primary elections) arising out of borough and school elections and elections in the matter of bonds for borough and school purposes and other questions relating to borough and school matters shall be tried in the proper court of the county wherein is situated the borough to which such land is annexed or of the county in which a majority of the inhabitants of a consolidated borough resided at the time of such consolidation and said courts are hereby given jurisdiction thereof

Section 10 Ballots The ballots used in any election district within land situated in one county which has been annexed to a borough situated in an adjoining county or consolidated with a borough situated in an adjoining county and having a larger population shall contain everything including the names of all candidates and also all questions relating to bond issues and any other thing and all Constitutional amendments that are printed on all ballots used in the county wherein the land is actually situated that is they shall contain everything that is common to all ballots used in said county but they shall not contain the names of the candidates for any ward borough township (except poor district) or school district officers within the county wherein the land is actually situated The ballots used at the primary elections shall however contain the names of all candidates for all party offices and party committees within such district the same as though such land had not been annexed to or consolidated with such borough

The ballots shall be prepared so as to include places to vote for all ward borough (except poor district) and school district officers of the borough and school district to which such land has been annexed or of such consolidated borough and school district together with the names of all candidates for such offices and all questions of borough and school district bond issues and all other questions relating exclusively to [the] such borough and school district [to which such land is annexed] This section relates to ballots used in such districts at either primary general municipal or special elections special elections to be held by the regular election officers and they shall be paid as now provided by law in such cases

Section 11 How Borough and School District Matters are Placed on the Ballot Petitions to have the names of candidates placed on the primary ballots used in any such district for ward borough and school district officers shall be filed with the county commissioners of the county

wherein the borough is situated or in a case of consolidation of boroughs the county commissioners of the county in which is situated the borough having the largest population at the time of such consolidation and it shall be the duty of the county commissioners of said county within three days after the last day for filing such petitions to certify to the county commissioners of the county wherein the land is actually situated a list of the ward borough and school district offices to be filled and the names of all the candidates for the same and all questions to be printed on the ballots relating exclusively to borough or school district bonds or other borough or school district matters The county commissioners of the county where the land is actually situated shall prepare the primary ballots for all such districts as though this information and the said petition of candidates for ward borough and school district offices had been filed originally in their office All nomination papers for ward borough and school district offices within such district shall be filed in the office of the county commissioners of the county wherein is situated the borough to which such land has been annexed or which contained the largest population at the time of consolidation Within three days after the last day for filing nomination papers for ward borough and school district offices the county commissioners of the county wherein is situated the borough to which such land has been annexed or in case of a consolidation of boroughs the county commissioners of the county in which resided at the time of consolidation a majority of the inhabitants shall certify to the county commissioners of the county wherein such land is actually situated a list of all ward borough and school district offices to be filled at the next election together with the names of all candidates for the same who were nominated at the preceding primary or whose names were placed in nomination by nomination papers and all questions to be printed on the ballots relating exclusively to borough or school district bonds or other borough or school district matters

The county commissioners of the county wherein the land is actually situated shall print the ballots for all such districts as though this information had been filed originally in their office

Section 12 The Duties of Election Officers It shall be the duty of the election officers in all such districts to make a complete return of all primary elections to the county commissioners of the county wherein the land is actually situated and they shall also mail to the county commissioners of the county wherein such borough is situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation a return sheet of the same in so far as it relates to ward borough and school district offices and votes on bond issues and other questions relating to borough and school district matters The blanks and postage for which return sheets shall be furnished by the county commissioners wherein the said borough or said larger population is situated The court or other authority whose duty it is to determine the result of any election for borough or school district bonds or other borough or school district questions shall consider these return sheets as part of the return of such elections and count same in determining the result of such elections

At elections (excluding primary elections) it shall be the duty of the election officers in such districts to make a complete return of said election to the proper court of the county wherein the land is actually situated and they shall also mail to the proper court in the county wherein such borough is situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation a return sheet thereof in so far as the same relates to ward borough and school district offices The blanks for said return sheets and the postage therefor shall be furnished by the county commissioners of the county wherein such borough or said larger population is situated The judges of election in all such districts shall meet with the other election judges of the borough or consolidated borough and with said other election judges determine who have been elected to the several ward and borough offices and issue election certificates to them the same as if said borough was all in one county

It shall also be the duty of the election officers to make a return to the proper court wherein such borough is situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation giving the vote on all questions printed on the ballot which relate to borough and school district matters The blanks and postage for making this return shall be furnished by the county commissioners of [the] such county [wherein such borough is situated]

Section 16 The officers of the poor district shall be nominated and elected in said districts in the same manner as though said district were a part of the county in which the land is actually situated and had never been annexed to or consolidated with a borough in an adjoining county

Section 17 Special Borough and School District Elections In all cases where a special election to submit any question relating to borough or school district bond issues or other matters relating to borough or school district affairs is held on a day other than the day of a primary general or municipal election the ballots and supplies for the same shall be furnished by the county commissioners of the county wherein the borough is situated or the county in which the majority of the residents of a consolidated borough resided at the time of such consolidation and the same shall be paid for as now is or hereafter shall be provided by law Returns of such elections shall be made to the proper court of the county wherein the borough is situated or of the county in which the majority of the residents of a consolidated borough resided at the time of such consolidation and not elsewhere

On the question,

Will the House agree to the section?

Mr. LONGAKER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 3, line 23, by striking out the underscoring under the following: "the borough"

Amend Sec. 1, page 7, line 4, by striking out the quotation mark before the word "but"

Amend Sec. 1, page 7, line 7 by striking out the quotation mark after the following: "borough"

On the question;

Will the House agree to the amendments

They were agreed to,

On the question,

Will the House agree to the section as amended.

It was agreed to.

Section two and the title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred three) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs stuated in different counties which now have or shall hereafter consolidate

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1515, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by excluding certain brokers and agents

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred twenty-seven) is hereby further amended to read as follows

Section 2601 License Taxes for Revenue Purposes Council may by ordinance levy and collect a license tax for general revenue purposes not exceeding one hundred dollars each annually on all photographers auctioneers contractors druggists hawkers peddlers produce or merchandise venders bankers brokers other than real estate brokers undertakers pawnbrokers trading stamp or premium companies or dealers warehouses or storage houses or places merchants of all kinds persons selling or leasing goods upon instalments grocers confectioners butchers wholesale meat dealers restaurants billiard parlors bowling alleys billiard tables pool tables and other gaming tables drays hacks carriages omnibuses automobiles carts wagons and street railway cars including all other vehicles used in the city for hire or pay all skating rinks operas theatres shows circuses menageries and all kinds of public exhibitions for pay except those for religious educational or charitable purposes all lumber dealers commission men and all persons who make a business of buying lumber for sale at wholesale or retail all furniture dealers saddle or harness dealers stationers jewelers livery or automobile or boarding-stable keepers all [real estate agents] markethouse companies and owners of markethouses garage companies and owners of other private garages express companies or agencies and where no other license tax is imposed on telegraph telephone steam-heating gas natural gas water electric light or power companies or agencies or individuals furnishing communication light heat or power by any of the means enumerated and to regulate the collection of the same If any person firm or corporation conducts a business at more than one location in a city the business conducted at each location shall be considered and assessed as a separate and independent business and shall be subject to a license tax Provided That the word "business" as used in this clause shall not be construed to mean or include any place of business at which the principal business conducted is that of selling storing or distributing products manufactured by the firm person or corporation operating the business The taxes assessed under this section shall be in addition to all other taxes levied and collected by the city county or Commonwealth

On the question,

Will the House agree to the section?

Mr. COAKLEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 26, by inserting after the word "other" the following: "than"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by excluding certain brokers and agents

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2558, entitled:

An Act to further amend section two hundred and eighty-five of and to add a new section to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred and forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act and providing for the payment of all moneys received thereby into the General Fund

The first section was read as follows:

Section 1 Be in enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred and forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended by adding thereto at the end of Chapter Ten the following new section

Section 230 (A) The Secretary of Revenue is authorized to dispose of after advertisement and competitive bidding to the highest bidder upon such terms and conditions and at such times as the Secretary shall prescribe a copy of the official list of persons licensed under the provisions of this act No other copy of said list shall be disposed of unless otherwise authorized by law

(B) The purchaser of the official list of persons licensed under the provisions of this act is authorized to reprint and use the list for commercial purposes

(C) All moneys received by the Department of Revenue from the sale of the copy of such official list shall be paid into the Treasury Department and credited to the General Fund

On the question,

Will the House agree to the section?

Mr. COAKLEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows.

Amend Sec. 1, page 2, lines 5 to 18, both inclusive, by underscoring all of said lines.

On the question,
Will the House agree to the amendment?
It was agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The second section was read as follows:

Section 2 That section two hundred and eighty-five of the said act as last amended by section one of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and five) is hereby further amended to read as follows

Section 285 Fish License Fund Established All fees fines penalties and other moneys paid received recovered and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law or (b) that may be hereafter paid recovered received and collected under the provisions of any act repealed and replaced by this act or (c) that may be paid received recovered and collected under the provisions of this act except as otherwise provided by law shall be placed in a separate fund by the State Treasury to be known as "The Fish Fund" and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procurring issuing or supervising the issuance of resident and nonresident fishing licenses and license buttons and under the drection of the board for the following purposes

(a) The payment of the salaries wages or other compensation of the Commissioner of Fisheries such deputies directors superintendents bureau or division chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers fish wardens laborers and other assistants and employes as may be required for the work of the board and such special deputy attorneys general assistant deputy attorneys general as may be assigned by the Attorney General to the board or for handing any legal business pertaining to its work

(b) The payment of the traveling and other expenses of the members officers and employes of the Board of Fish Commissioners

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding as may be necessary in the conduct of the work of the board and the payment of premiums on surety bonds for such officers or employes of the board as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicle and persons operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the board

(d) The payment of postage telegrams telephone rentals telephone toll charges and rentals for patented leased office devices or machines

(e) Rentals for any offices outside of the Capitol Buildings or any other grounds buildings or quarters necessary for the work of the board

(f) The propagation protection and distribution of fish and the stocking of waters within this Commonwealth as provided by law

(g) Necessary repairs and improvements to fish hatcheries or other buildings offices or quarters used in the work of the board

(h) Field work gathering spawn and transferring fish

(i) The maintenance and operation of a boat on Lake Erie and the cruiser "Anna" at Torresdale on the Delaware River and

(j) Any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the board

(k) With the consent of the Governor for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing hunting and forest purposes and said lands and waters so purchased shall be under the supervision direction and control of the board and

(1) The purchase and acquisition of additional land and water for State fish hatcheries the purchase acquisition and erection of buildings ponds and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries hereafter established and for the distribution of fish from hatcheries and the stocking of waters within this Commonwealth All moneys received from license fees in any fiscal year in excess of three hundred and fifty thousand ($350,000) dollars shall be expended solely and exclusively for the purposes set forth in this clause

All moneys in such separate fund from time to time are hereby specifically appropriated to the Department of Revenue and the board and may be expendd for the purposes hereinbefore enumerated All printing buttons and other supplies or materials purchased by the Department of Revenue for the purpose of performing its duties under thep rovisions of this act shall be purchased through the Department of Property and Supplies as purchasing agency

Estimates of the amounts to be expended under this act from time to time by the Department of Revenue and the Board of Fish Commissioners respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and its hall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriatios by the Department of Revenue or by the Board of Fish Commissioners in excess of the estimates approved by the Governor Subject to the foregoing pro vision the Auditor General shall from time to time upon requisition of the Secretary of Revenue or of the Commissioner draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund at the time of making such requisition

On the question,
Will the House agree to the section?

Mr. COAKLEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows.

Amend Sec. 2, page 3, line 29, by striking out the word "fusnishings" and insert in lieu thereof: "furnishings"

On the question,
Will the House agree to the amendment?
It was agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

Section three and the title were separately read and agreed to as follows:

Section 3 This act shall become effective immediately upon its final enactment

An Act to further amend section two hundred and eighty-five of, and to add a new section to the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act; and providing for the payment of all moneys received thereby into the General Fund.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2216 as follows:

An act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 255 Nursery Waters The Board is authorized to set aside at its discretion or upon petition of one hundred and fifty residents who shall be holders of fishing licenses such [small] streams lakes dams ponds or parts thereof [not exceeding one in any one county at the same time and such lakes] as it may judge best as nursery [streams or lakes] waters in which fishing shall be prohibited at all times of the year Before setting aside such [streams or lakes] waters the Board through the Commissioners shall give public notice of closing such [streams or water] waters by publishing the prohibition and the duration thereof [in two newspapers of general circulation published in the county or counties where such stream or water is located once a week for three consecutive weeks] in such manner as the board may prescribe Notice of such closing shall also be posted [at the outlet of the stream or lake so closed and at intervals of three hundred yards] along the banks [thereof] of such waters Any person fishing catching or killing any fish from any stream or water so closed shall on conviction in the manner provided by chapter fourteenth be sentenced to pay a fine of one hundred dollars

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2477, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred ninety-one of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 191 Drawing Off Dams (a) No person owning leasing or maintaining a dam holding back waters inhabited by fish shall draw off such waters without first applying for written permission from the Board nor shall any such person obstruct the flow of water through any such dam without allowing sufficient water at all times to flow in the natural stream on which such dam is located to enable the fish to live Any person violating the provision of this [section] subsection shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of one hundred dollars for each offense

(b) Interference with Dams Deflectors and Retards Et Cetera Dams deflectors retards or similar devices placed across or in any stream with permission of the owner or owners of the land through which such stream flows shall not be destroyed removed breached or disturbed except by written permission first obtained from the Board Any person or persons violating the provisions of this subsection shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars for each dam deflector retard or similar device destroyed or removed or breached or disturbed

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1738, entitled:

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" are hereby amended to read as follows

An Act relating to domestic animals and providing for their appraisement when [about to be slaughtered] condemned to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "salvage" as used in this act means the net proceeds an owner of a domestic animal at the time of appraisal and [slaughter] condemnation realizes from the sale of the live animal or the carcass hide and offal [to a butcher who actually slaughters the animal]

The word "condemned" as used in this act means that

a domestic animal has been adjudged by an authorized officer or agent of the Department of Agriculture to be diseased and ordered to be slaughtered to prevent the spread of disease

Section 2 The Commonwealth hereby agrees to compensate owners of domestic animals [slaughtered] condemned to prevent the spread of disease Such compensation shall be determined as follows

(a) The amount of compensation paid by the Commonwealth together with the salvage and any compensation received by the owner from other sources shall not in any case exceed ninety per cent of the appraised value of the animal and

(b) The amount of compensation paid by the Commonwealth shall not in any case exceed the sum of sixty dollars for a horse jack or mule forty dollars for a nonregistered bovine animal ten dollars for a nonregbred registered bovine animal ten dollars for a nonregistered sheep goat or pig twenty-five dollars for a pure bred registered sheep goat or pig

Claims for pure bred registered animals shall be supported by proper certificates of registration and transfer papers issued by recognized purebred registry associations

Section 3 Whenever to prevent the spread of disease an authorized officer or agent of the Department of Agriculture may deem it necessary to order any domestic animal to be [slaughtered] condemned the animal shall be appraised [before being slaughtered The] No animal that is dead or in a dying condition shall be appraised and no compensation shall be payable for such an animal An authorized officer or agent of the department and the owner of the animal may appraise and agree upon a fair market valuation of the animal taking into consideration the physical condition of the animal its condition as to disease the nature and extent of the disease the present and probable future effects of the disease on the animal and the probable sums that may be obtained from salvage

Whenever the officer or agent of the Department of Agriculture and the owner of an animal are unable or unwilling to agree on a fair market valuation for the animal three appraisers shall be appointed one by the officer or agent one by the owner and one by the two so appointed If the owner shall refuse or fail to appoint his appraiser an alderman magistrate or justice of the peace shall upon request of an officer or agent of the department appoint an appraiser for the owner Each appraiser so appointed shall be sworn to perform faithfully his duties as appraiser and the alderman magistrate or justice of the peace shall be entitled to receive two dollars for his services

The three appraisers so appointed shall appraise the animal as provided by this section Each appraiser shall be entitled to receive three dollars for his services in appraising five or less animals five dollars in appraising more than five and not more than twenty-five animals and ten dollars for more than twenty-five animals so appraised One-half of the entire cost appraisal including the fee of the alderman magistrate or justice of the peace shall be paid by the owner and the other half by the Commonwealth If the owner refuses or fails to pay his share of the entire cost of appraisal the amount of the owner's share shall be deducted from any compensation that may be due the owner from the Commonwealth and the Department of Agirculture shall cause the owner's one-half share of the costs of appraisal to be paid to the appraisers and the alderman magistrate or justice of the peace in proper proportionate amounts

Section 4 An animal that has been appraised under this act shall be disposed of by the owner under the supervision of an authorized officer or agent of the Department of Agriculture in accordance with the laws of this Commonwealth and the rules and regulations adopted by the Department of Agriculture

The salvage shall be paid directly to the owner by the [butcher] buyer of the live animal or the buyer of the carcass hide and offal [who] The buyer shall promptly render an itemized statement of the salvage to the Department of Agriculture to enable it to determine the amount due by the Commonwealth to the owner

The Department of Agriculture shall have the power to adopt promulgate and enforce all needful rules and regulations for the enforcement of this act

On the question,

Will the House agree to the section?

Mr. REISING. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 3, line 13, by striking out the words "ten dollars for a nonreg-"

Amend Sec. 1, page 3, line 14, by striking out the words "bred registered bovine animal" and inserting in lieu thereof the following: "seventy dollars for a pure bred registered bovine animal"

Amend Sec. 1, page 5, line 2, by striking out the word "duducted" and inserting in lieu thereof the following: "deducted"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Section two and the title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2804 (Senate Bill No. 1015), as follows:

An Act to amend sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (P. L. 7) entitled "An act to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to or from each" by requiring a majority vote in each city and in the intervening land voting on the question of consolidation and extending the provisions of said act to pending proceedings

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwealth of Pensylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (P. L. 7) entitled "An act

to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to or from each" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That wherever in this Commonwealth now or hereafter two cities shall be contiguous or in close proximity to each other the two with any intervening land other than boroughs may be united and become one by annexing and consolidating the lesser city and the intervening land other than boroughs of any with the greater city and thus making one consolidated city if at an election to be held as hereinafter provided there shall be a majority of all the votes cast in each city in favor of such union

Section 7 If it shall appear by the vote when computed and certified as aforesaid that a majority of all the lawful voters in each of the two cities and the intervening land voting upon such question have voted in favor of the annexation or consolidation the said court of quarter sessions shall enter a decree annexing and consolidating the leser city and by intervening land other than boroughs with the greater city so that they form but one city and in the name of the greater or larger city but if a majority of the electors so voting in any one of the cities shall vote against annexation the proceedings shall be dismissed and the question of annexation shall not again be submitted to the vote of the electors for a period of less than two years from the date of such election

Section 11 Whenever it shall happen that the said cities and the intervening land if any to be united are located in whole or in part in distinct counties then the respective courts of quarter sessions of each county and the courts of common pleas of each county as well as the commissioners and other officers of each county shall have respectively the jurisdiction and power and each shall perform the duties hereinbefore enumerated in respect to the said consolidation including all steps preceding and succeeding such consolidation within the limits of each county respectively

If more than one election shall be held the results of all the elections shall ultimately be certified to the court of quarter sessions of the county in which the larger city is located and the question whether the two cities and the intervening land if any shall be united and become one consolidated city shall be determined by the majority vote of all the lawful voters of each of the said two cities and of the intervening land if any cast as said election duly held for or against such consolidation and the result shall be decreed by the court

Section 2 This act shall apply to all proceedings pending in courts of quarter sessions for the consolidation of cities at the time this act becomes effective

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2314, as follows:

An act authorizing Cities of the Second Class to Issue and Sell Short Term Promissory Notes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city of the second class shall have power to issue and sell negotiable short term promissory notes of the city payable not more than three years from the date thereof for the purpose of raising funds for any one or more of the following purposes (a) to pay judgments against the city (b) to pay claims for damages finally determined against the city in connection with municipal improvements (c) to pay other items of floating indebtedness to the City (d) to pay the engineering architectural and other expenses incurred or to be incurred in connection with contracts for municipal improvements and (e) to pay for the construction of public improvements within the city and the preliminary expenses in connection therewith

Section 2 Such notes shall be issued in the following manner Council shall by ordinance authorize and direct the issuance of notes in a definite amount and for a stated purpose or purposes which ordinance shall provide that bids for said notes will be received at two or more specified rates of interest not exceeding five per centum per annum notice of the sale of such notes shall be published for one insertion in at least two newspapers of general circulation in the city at the time fixed by the advertisement which shall not be earlier than the third calendar business day following said advertisement the Mayor and City Controller shall receive and tabulate the bids and shall award and sell the notes to the highest responsible bidder who shall offer to purchase the same at the lowest interest rate at which a bid or bids are received provided however that the notes shall be sold at not less than the face value thereof and accrued interest The notes so issued together with all other indebtedness of the city other than indebtedness incurred with the assent of the electors shall not exceed two per centum upon the assessed value of the taxable property therein as fixed and determined by the last preceding assessed value thereof without the assent of the electors duly obtained at a public election in the manner provided by law

Section 3 Unless the note or notes so sold are payable out of current revenues of the city the ordinance authorizing their issuance and sale shall direct the proper officers of the city to prepare and file in the Court of Quarter Sessions of the proper county a statement in the manner and form required by law and Council shall by the ordinance authorizing the issuance of said notes levy taxes for the years during which said notes shall be outstanding sufficient to pay the same at maturity with the interest and State tax thereon The said notes when issued may be funded at any time by the issuance of bonds as provided by law

Section 4 When an increase of the indebtedness of the city for a specific purpose has been duly authorized in the manner required by law the indebtedness so authorized may first be incurred by the city by issuing from time to time as funds for the specific purpose are required short term notes as hereinbefore provided and the notes so issued shall thereafter be paid and funded out of the proceeds of bonds issued and sold for the authorized purpose

Section 5 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1816, as follows:

An Act empowering cities of the second class to levy assess and collect or to provide for the levying assessment and collection of an excise tax against electric light heat and power companies natural gas companies artificial gas companies water companies telephone companies steam heating companies and taxicab companies and certain individuals operating taxicabs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the council of any city of the second class is hereby authorized by ordinance to levy

assess and collect or to provide for the levying assessment and collection of an excise tax on all electric light heat and power companies natural gas companies artificial gas companies water companies telephone companies steam heating companies and taxicab companies and individuals operating taxicabs under certificates of public convenience issued by the Public Service Commission doing business or located within the limits of the respective cities The amount of the said tax in each case shall be measured and determined by the number of meters or other measuring devices used by the aforesaid taxables for measuring or recording the quantity of service or product furnished to consumers or users thereof and by fixing a uniform tax or rate on each such meter or device

Section 2 The tax authorized by this act may be levied and collected for any period of one year and need not be assessed prior to January first of any year as required by law for other taxes levied by such cities It may be assessed on a monthly basis and may be collected monthly but in no case shall the rate per meter or measuring device be greater than ten dollars per year

Section 3 The tax authorized by this act shall be considered an excise tax on such companies and individuals for the privilege of doing business within the city levying the same and shall in every case be paid by the companies and persons against whom the tax is levied and shall not be collected either directly or indirectly from the consumer No company effected by the provisions of this act or by any ordinance authorized by the same shall sell or lease to any consumer a meter or other measuring device upon which such tax is based or collect from any consumer in any manner whatsoever any fee or charge not authorized by existing laws in an endeavor to secure from the consumer the payment of the tax or any portion thereof levied in pursuance of this act

Section 4 Cities of the second class are hereby authorized to provide by ordinance for the creation of such bureaus or the appointment and compensation of such officers clerks collectors and other assistants and employes either under existing departments or otherwise as may be deemed necessary for the assessment and collection of taxes imposed under authority of this act

Section 5 The council of cities of the second class shall have power to prescribe and enforce penalties for the nonpayment within the time fixed for their payment of taxes imposed under authority of this act and for the violation of the provisions of ordinances passed under authority of this act

Section 6 The provisions of this act shall be severable and if any of the provisions shall be held unconstitutional or if held unconstitutional as to any tax levied on any company or class of companies such decision shall not affect the validity of any of the remaining provisions of the act or the provisions of the act as to any other company or class of companies carrying on a business of a different nature It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included therein or if such company or class of companies in regards to which the tax authorized by the act is unconstitutional had not been included therein

Section 7 This act shall become effective immediately upon its final enactment This act shall remain in force only until January first one thousand nine hundred and thirty-eight reserving to such cities the right to collect taxes assessed and levied prior to said date

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2491, entitled:

An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Common ealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the state and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended further regulating refunds further regulating the deposits of State moneys and the security therefor and providing additional penalties for late filing of certain reports

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that Sections five hundred three five hundred five and seventeen hundred two of the act approved the ninth day of April one thousand nine hundred tnd twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees an dother money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) are further amended to read as follows

Section 503 Refunds of State Taxes License Fees et cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys allged to have been paid to the Commonwealth [as the result of an error of law or of fact or of both law and fact] and to which the Commonwealth is not rightfully or equitably entitled and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose or to credit the account of

the person association corporation body politic or public officer entitled to the refund All such petitions must be filed with the Board within two years of the payment [alleged to have been erroneously made] for which refund is requested except

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock or in case of a foreign corporation the valuation of its tangible property for bonus purposes or where a petition for refund filed by a bank title insurance or trust company involves the valuation of its shares of stock such petition must be filed with the Board within one year of the payment for which refund is requested

[(1)] (2) When the estate upon which any transfer inheritance tax has been erroneously paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue with one year from the termination of such litigation or ascertainment of such overvaluation

[(2)] (3) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the Board shall be filed within six months after the court shall have rescinded its order and adjudication

[(3)] (4) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconsitutional or under any interpretation of such provision subsequently held by such court to be erroneous In such case the petition to the Board shall be filed within five years of the payment of which a refund isrequested

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the Board be satisfied that the failure to file the report was not wilful that the report was actually filed within forty-five days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within the time allowed by law for the payment thereof without interest it may allow the petition and refund the amount of the penalty or any part thereof out of any appriation or apporprialions made for the purpose or credit the acount of the person association corporation body politic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petition for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law [.] if the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the tax or bonus exclusively of penalty was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

(d) All petitions filed under this section shall be in such form as the board shall prescribe

(e) The action of the board on all petitions filed under this section shall be final

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or State supervisions and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largerly held by a few individuals and the length of time that said institution has been engaged in business under its charter Each such statement shall be verified by the oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2 Shall upon the receipt of notice of its selection as a depository of State moneys furnished a bond to secure payment of deposits and interest to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one-fourth of the total amount of the bond required Provided that in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer of Bonds of the United States the Delaware River Joint Commission bonds of this Commonwealth or any municipal subdivision or county thereof [United States municipal or county bonds] to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market The said board may fix different rate of interest for active and inactive depositories and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day [of] on which any change in interest rates shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and three banks or trust companies in [other parts] any part of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current busines sof the Commonwealth The board may designate two other banks or trust companies located anywhere in [any of the counties above mentioned or in any other county of] the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five

hundred thousand dollars Provided however that in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank institution or trust company designated as an inactive depository

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsoever to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The Secretary shall however not vote on any question coming before the board

Section 1702 Failure of Corporation Association Exchange or Person to make Bonus or Tax Reports on Time If any corporation association exchange or person or the officer or officers of any corporation association or exchange shall neglect or refuse to furnish to the Department of Revenue within the time prescribed by law or any extension thereof granted by the Department of Revenue any bonus or tax report required by section seven hundred six seven hundred seven seven hundred eight seven hundred ten seven hundred thirteen seven hundred fourteen seven hundred sixteen or seven hundred twenty of this act it shall be the duty of the Department of Revenue to add to the bonus or tax of such corporation association exchange or person for each and every tax period for which such report was not so furnished the following percentages which shall be collected with the bonus or tax in the usual manner of settling and collecting such bonus or tax

On the first one thousand dollars of bonus or tax ten per centum on the next four thousand dollars five per centum and on everything in excess of five thousand dollars one per centum

On the question,

Will the House agree to the section?

Mr. RUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 7, line 26 by inserting at the end of the line after the word "That" the following: "when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured And provided further That."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Section two and the title were separately read and agreed to as follows:

Section 2 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement of other isposition of funds and and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the state and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended further regulating refunds further regulating the deposits of State moneys and the security therefor and providing additional penalties for late filing of certain reports

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2531, as follows:

An Act requiring State-aided medical and surgical hospitals to make certain reports to the General Assembly and denying further aid to a hospital unless such report is made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That each medical and surgical hospital receiving State-aid from the Commonwealth shall as a condition to receiving any aid be required to transmit to each regular session of the General Assembly a full and complete statistical and financial report for the last two of its fully completed fiscal years which reports when received shall be printed in the appendix to the Legislative Journal If any such hospital shall fail to neglect or refuse to make such report before the close of any such session of the General Assembly the appropriation to such hospital for the next two fiscal years shall be refused by the General Assembly then in session

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

TIME EXTENDED ON BILL

Mr. MELCHIORRE. Mr. Speaker, I move that the time on House Bill No. 1964, Printer's No. 728, entitled:

An Act to amend section six as amended, and section eight of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State,

of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for office from being candidates for more than one party nomination, and requiring candidates' affidavits from candidates for additional offices.

on page 3 of today's calendar, bills on second reading be extended.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 473, as follows:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred seventeen) is hereby further amended to read as follows

Section 41 (a) 1 [When a fiduciary shall have in his hands any moneys the principal or capital whereof is to remain for a time in his possession or under his control and the interest profits or income whereof are to be paid away or to accumulate or when the income of real estate shall be more than sufficient for the purpose of the trust such fiduciary may invest such moneys in the stock or public debt of the United States or in the public debt of this Commonwealth or in bonds or certificates of debt constituting the direct and general obligation of any of the counties cities boroughs townships school districts or poor districts of this Commonwealth or in first mortgages on real estate in this Commonwealth securing bonds or other obligations not exceeding in amount two-thirds of the fair value of such real estate or in ground rents in this Commonwealth or in bonds payable not more than twenty years after date of one or more individuals secured by a deed or deeds of unencumbered real estate in this Commonwealth conveyed to a corporation organized under the laws of this Commonwealth and authorized to act as trustee in trust for the benefit of all such bondholders but the total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing it and the trustee shall not be exempted by contract or otherwise from responsibility for performing the ordinary duties of trustees or in trust certificates issued by a trust company organized under the laws of this Commonwealth certifying that the holders thereof are respectively the owners of undivided interests in deposits with such trust company of securities in which trust funds may be invested under the preceding provisions of this clause Provided That nothing herein contained shall authorize any fiduciary to make any investment contrary to the directions contained in the will of the decedent in regard to the investment of such moneys

It shall be the duty of any trustee of any property securing any investment which may be made hereunder at any time upon demand to disclose to any bondholder or certificate holder and to the representative of any public agency authorized by law to examine the affairs of the trustee any information which may be requested regarding any of the trust property in its possession

Within the meaning of this clause the "fair value" of real estate shall be the value placed thereon in writing by a reputable person who shall be especially familiar with real estate values shall have actually inspected the real estate before making his valuation and shall certify that his valuation was made after inspection of the premises]

Subject to the conditions herein contained a fiduciary holding moneys to be invested may invest such moneys in

Sub-section (1) UNITED STATES OBLIGATIONS Bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia

Sub-Section (2) PENNSYLVANIA OBLIGATIONS Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of

the principal and interest on which the faith and credit of the Commonwealth is pledged

Sub-Section (3) LOCAL GOVERNMENT OBLIGATIONS Bonds or other interest-bearing obligations of any county city borough township school district or poor district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that at the date of the investment in such bonds or other interest-bearing obligations such political subdivision is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

Sub-Section (4) MORTGAGES Mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or it shall be amortized in installments totaling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the date thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assessed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Sub-Section (5) GROUND RENTS Ground rents secured upon unencumbered improved real estate situate within this Commonwealth provided that the annual rent reserved in any such ground rent capitalized at the rate of five per centum shall not exceed two-thirds of the fair value of the real estate out of which it issues

Sub-Section (6) REAL ESTATE BONDS Bonds of one or more individuals or corporations secured by improved real estate situated within this Commonwealth not including real estate used as a theatre or for manufacturing purposes conveyed by mortgage or deed of trust to a corporation organized under the laws of the United States or of this Commonwealth and authorized to act as trustee for all such bondholders which mortgage or deed of trust shall be a first lien upon the real estate so conveyed Such bonds shall be payable not more than twenty years after the date thereof and the mortgage or deed of trust securing them shall contain a provision for the annual reduction of the principal amount of the bonds secured thereby in an amount equal to at least two per centum of the maximum amount of the bonds outstanding at any time prior to the date of the investment by the fiduciary plus an amount equal to the interest on all bonds previously retired by such annual reductions

The total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing such bonds and at the date of such investment there shall not be any default in the payment of any matured principal or interest on such bonds or in any annual reduction of the principal amount of such bonds as provided in the mortgage or deed of trust securing such bonds

If the date of the investment is subsequent to the original date of the mortgage securing the bonds or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of the investment if such mortgage bonds by such fiduciary provided that such an appraisal as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of the mortgaged property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds secured by such mortgage does not exceed two thirds of the fair value of the mortgaged property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (7) FRACTIONAL INTERESTS A fractional undivided interest in any investment in which a fiduciary is authorized by this section to invest trust funds apportioned to an estate of which the person or corporation cheating such fractional undivided interest in the fiduciary

In the case of an investment in a fractional interest in a mortgage if the date of such investment is subsequent to the original date of the mortgage or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of such investment provided that such an appraisement as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds or other obligations secured by such mortgage does not exceed two-thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (8) RAILROAD OBLIGATIONS Railroad obligations subject to the following provisions

(a) As used in this sub-section the words "qualified railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-guage railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except directors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for

its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for any of such fiscal years ending during the period from December thirty-first one thousand nine hundred and thirty to December thirty-first one thousand nine hundred and thirty-five inclusive and shall have been not less than one and one-half times its fixed charges for any such fiscal year ending after December thirty-first one thousand nine hundred and thirty-five

(b) As used in this sub-section the words "railroad obligations" shall include and mean obligations which meet following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortgage which shall be a first lien on the total length of the railroad lines a part of which shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding United States Census The railroad lines covered by the mortgage shall be either subpect to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien then the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five per centum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding seven years from the first date of issue of any thereof in approximately equal annual or semi-annual installments beginning not later than two years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this sub-section The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged bonds and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this sub-section

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges Fixed charges shall be rent for leaser roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Sub-Section (9) OBLIGATIONS OF GAS WATER AND ELECTRICAL COMPANIES The following obligations of public utility corporations incorporated under the laws of the United States or any state or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from other corporations and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business or businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State or Commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corpora-

tion have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars or of an issue of which a total of not less than one million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of seucrities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien gage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (10) OBLIGATIONS OF TELEPHONE COMPANIES The following obligations of any corporation incorporated under the law of the United States or of any State or Commonwealth thereof or of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period provided such corporation shall file with the Federal Communications Commission or a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay the interest thereon

(3) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the

last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said the proceeds of the new financing and for such five year securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation derived from telephone service shall have averaged per year not less than five million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this sub-section have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be of and the total expense of maintaining and operating all respectively the total amount earned from the operation property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter.

(7) The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of section provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (11) GENERAL PROVISIONS

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(c) No fiduciary having more than ten thousand dollars $10,000) for investment purposes shall invest more than one-third of the funds in his possession in any one investment except in bonds and obligations of the United States the District of Columbia the Commonwealth of Pennsylvania or any county city borough township school district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such governments or political subdivisions have been pledged

(d) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisement by two reputable persons familiar with real estate values in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eberharter,	Mason,	Shreiner,
Alexander,	Eroe,	McCreary,	Shugarts,
Allen,	Falkenstein,	McDermott,	Siegel,
Altenburg,	Finnerty,	McDevitt,	Simon,
Andrews,	Fitch,	McElroy,	Simpson,
Arnold,	Flanagan,	McHenry,	Sinwell,
Atkins,	Flinchbaugh,	Melchiorre,	Sloan,
Aukerman,	Flynn,	Mentzer,	Smith, J. A.,
Baine,	Forrest,	Merrell,	Smith, W. G.,
Baker, F. T.,	Furman,	Moomaw,	Snyder, F. E.,
Baker, J J.,	Gates,	Mooney,	Snyder, J. L.,
Baldi,	Gerard,	Moore,	Spangler,
Barber,	Gillette,	Moran,	Sproul,
Barnhardt,	Green,	Moul,	Stank,
Bernhard,	Greenstein,	Muir,	Stevens,
Blumberg,	Habbyshaw,	Munley,	Stewart,
Boose,	Haberlen,	Murrin,	Stockham,
Boyd, R.,	Hagerty,	Nagel,	Stone,
Boyer,	Haluska,	Nothnagle,	Stott,
Bradley,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brancato,	Hamilton, F. P.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hart,	Parks,	Tronzo,
Brownfield,	Hartman,	Patterson, C.,	Trout,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Tumelty,
Burke,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hirsch,	Peters,	Van Sickle,
Carr,	Hoffner,	Pfaff,	Walker,
Carson,	Holland,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Coakley,	Horst,	Reising,	Weiss,
Cochran,	Jackson,	Reynolds,	Welliver,
Cohen,	Kelder,	Rhys,	Welsh,
Coleman,	Kelso,	Rinn,	Westrick,
Condon,	Kilroy,	Roan,	White,
Conner,	Kinney,	Robinson,	Wickersham,
Coolahan,	Klingler,	Ruth,	Winner,
Davies,	Kobelak,	Sarraf,	Witkin,
Decker,	LaRue,	Scanlon,	Wood,

Denning,	Linderman,	Schrock,	Woodside,
Dent,	Long,	Schrope,	Yeakel,
Diehl,	Longaker,	Schwab,	Yourishin,
Dilley,	Lovett,	Schwartz,	Zappala,
Downey, G. E.,	Lynch,	Shaw,	Zimmerman,
Downey, J. J.,	Male,	Shepard,	Sarig,
Duffort,	Mallen,	Shortz,	

NAYS—4

Kane,	McKinney,	Ruffennach,	Sowers,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1987, as follows:

An Act to amend section nine hundred and seven of article nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing petitioners to petition the Attorney General to appoint an attorney to supersede the district attorney in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine hundred and seven of article nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 907 Special Attorneys in Criminal Cases When the president judge in the district having jurisdiction of any criminal proceedings before any court of oyer and terminer general jail delivery or quarter sessions in this Commonwealth or when petitioners equal to at least one per centum of the population of the county as shown by the last preceding decennial census of the United States shall by petition declare that any law or laws of this Commonwealth have been and are being violated and the officials of the county have failed and neglected and are failing and neglecting to investigate or prosecute for such violation or violations of such law or laws shall request the Attorney General to do so in writing setting forth that in his or their judgment the case is a proper one for the Commonwealth's intervention the Attorney General is hereby authorized and empowered to retain and employ a special attorney or attorneys as he may deem necessary propertly to represent the Commonwealth in such proceedings and to investigate charges and prosecute the alleged offenders against the law Any attorney so retained and employed shall supersede the district attorney of the county in which the case or cases may arise and shall investigate prepare and bring to trial the case or cases to which he may be assigned He shall take the oath of office required by law to be taken by district attorneys and shall be clothed with all the powers and subject to all the liabilities imposed upon them by law The compensation for services rendered and necessary expenses incurred by such attorney or attorneys shall be fixed by the Attorney General

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. KANE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—154

Achterman,	Dilley,	LaRue,	Root,
Alexander,	Downey, G. E.,	Long,	Ruffennach,
Allen,	Downey, J. J.,	Lovett,	Ruth,
Altenburg,	Eberharter,	Lynch,	Sarraf,
Arnold,	Eroe,	Male,	Scanlon,
Atkins,	Falkenstein,	Mallen,	Schrock,
Aukerman,	Finnerty,	Mason,	Schrope,
Baine,	Fitch,	McCreary,	Schwab,
Baker, J J.,	Flanagan,	McDermott,	Shaw,
Barber,	Flinchbaugh,	McElroy,	Shepard,
Bernhard,	Forrest,	McHenry,	Shortz,
Blumberg,	Furman,	Melchiorre,	Shugarts,
Boyd, R.,	Gates,	Mentzer,	Siegel,
Boyer,	Gerard,	Merrell,	Simon,
Bradley,	Gillette,	Moomaw,	Simpson,
Brancato,	Green,	Mooney,	Sinwell,
Brennan,	Habbyshaw,	Moran,	Sloan,
Brown, H. S.,	Haberlen,	Moul,	Smith, J. A.,
Brown, J. E.,	Hagerty,	Munley,	Smith, W. G.,
Brownfield,	Haluska,	Murrin,	Stank,
Brumbaugh,	Hamilton, F. P.,	Nagel,	Stevens,
Burke,	Hamilton, R. S.,	O'Keefe,	Stone,
Cannon,	Harkins,	Ominsky,	Stott,
Caputo,	Harmuth,	O'Neill,	Sumney,
Carr,	Hart,	Panton,	Surface,
Carson,	Hartman,	Parks,	Tronzo,
Chervenak,	Hefferon,	Patterson, C.,	Tumelty,
Coakley,	Hermansen,	Patterson, J. W.,	Van Allsburg,
Cochran,	Hetrick,	Pearson,	Van Sickle,
Cohen,	Hirsch,	Pfaff,	Walker,
Coleman,	Holland,	Phillips,	Weiss,
Condon,	Holstrom,	Piole,	Welliver,
Conner,	Hoopes,	Powers,	Welsh,
Coolahan,	Kelder,	Reising,	Westrick,
Davies,	Kelso,	Reynolds,	Wickersham,
Decker,	Kilroy,	Rhys,	Yourishin,
Denning,	Kinney,	Rinn,	Zappala,
Dent,	Klingler,	Roan,	Sarig,
Diehl,	Kobelak,	Robinson,	

NAYS—45

Andrews,	Jackson,	Schwartz,	Turner,
Baker, F. T.,	Kane,	Shreiner,	Wall,
Baldi,	Linderman,	Snyder, F. E.,	Wasserman,
Barnhardt,	Longaker,	Snyder, J. L.,	Weidemann,
Boose,	McDevitt,	Sowers,	White,
Castor,	McKinney,	Spangler,	Winner,
Duffort,	Moore,	Sproul,	Witkin,
Flynn,	Muir,	Stewart,	Wood,
Greenstein,	Nothnagle,	Stockham,	Woodside,
Hoffner,	Perry,	Tahl,	Yeakel,
Horst,	Peters,	Trout,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. SHAW. Mr. Speaker, I desire to call up at this time House Bill No. 2775, (Senate Bill No. 752) on page 29, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SHAW.

The House resumed the consideration on third reading of House Bill No. 2775 (Senate Bill No. 752), entitled:

An Act requiring applicants for relief to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SHAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by striking out the words "applicants for relief" and insert in lieu thereof "persons applying for or receiving relief to furnish under affidavit certain information and"

Amend title, page 1, line 3 of title, by inserting after the word "misrepresentation" the following: "empowering certain persons to administer oaths; and prescribing penalties"

Amend sec. 1, page 1, line 8, by striking out the word "shall" and insert in lieu thereof "and every person now receiving such relief shall be required to sign a statement setting forth his or her financial status and such other facts as may be required by the State Emergency Relief Board in order to determine whether such person is entitled to relief and shall also"

Amend sec. 1, page 2, by inserting after line 2, the following: "Every such applicant shall make affidavit that the facts set forth in such statement are true and correct. Any person employed in the distribution of unemployment relief shall have power to administer oaths for the purpose of carrying into effect the provisions of this act."

"Section 2. Every person giving any wilfully false information in any such statement shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars, or suffer imprisonment for not more than six months or both, in the discretion of the court, and shall also be sentenced to make restitution of any moneys received by reason of any such false statement. In case such moneys are not restored, proceedings may be had on the bond herein provided for."

Amend sec. 2, page 2, line 3, by striking out the figure "2" and insert in lieu thereof "3"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chairs hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1893, as follows:

An Act to amend section one thousand six hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the daily school hours according to standard time

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1605 The board of school directors of each school district shall fix the date of the beginning of the school term and [unless otherwise determined by the board] the daily session of school shall open at nine ante meridian and close at four post medidian standard time with an intermission of one hour at noon and an intermission of fifteen minutes in the forenoon and in the afternoon Provided That the board of school directors may fix a shorter intermission at noon and a correspondingly earlier closing hour in the afternoon And provided That in the case of high schools conducting two sessions daily the board may authorize the opening of the first of such sessions at eight ante meridian standard time and fix the hours for intermissions and closing in conformity therewith

It is the intent of this amendment to unalterably fix nine o'clock standard time as the beginning of the school day except in the case of high schools conducting two daily sessions when such day may commence not earlier than eight o'clock standard time

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker, and members of the House, the bill that you now have before you provides for school children to attend school on Standard Time. In Philadelphia, in the summer time, we work on Daylight Saving Time. To require our school children to attend school on Standard Time would be a terrible inconvenience. Certainly, the bill has the thought back of it that Standard Time should apply everywhere, but we cannot change the habits of the people of Philadelphia over night, and to have our children attend school on Standard Time would mean depriving them of an opportunity of going to the parks or somewhere in the afternoon. I will ask you to vote "no" on this bill.

Mr. NAGEL. Mr. Speaker and Members of the House, the bill before us for consideration, House Bill 1893, Printer's Number 938, would require children to attend public schools on Standard Time.

I want to put in a plea here this evening for the school children of our state. We have been going along on this Daylight Saving Time, we call it in our section of the country, "foolish" time, and we call Standard Time "God's time." Our children have to get up in the morning before they are awake, and the mothers have to get them out of their beds. According to the Daylight Saving time schedule, mothers must get their little children out of their beds in the morning before they are through sleeping, and then they must put them back in their beds again in the evening before it is dark, and that results in two spankings for these poor children: they have to be spanked in the morning to get them out of bed, and they have to be spanked again in the evening. The consequence is they lose a lot of sleep, which is an inconvenience. This measure was all right in war time. We were willing to sacrifice and to do everything for our country then, when this movement was inaugurated, but I contend at the present time that this is not necessary, and the passage of this bill will be a step in the right direction, in putting the people back on sensible time in our Commonwealth. The people in the rural districts favor this bill, and when we adhere to this nonsensical idea of having Daylight Saving Time control us, a time that has been instituted and brought about for the benefit of a few, we are working a hardship upon the people of our rural districts.

I ask you to vote "aye" on this bill.

Mr. McCREARY. Mr. Speaker and Members of the House, as the sponsor of this bill, I feel that I at least ought to make an attempt to explain the matter somewhat.

I was advised by two astute members of this House, when this bill was called up, to let the reading clerk call the roll, and talk fast, and it will probably slide through. Now, I did keep still and if Mr. Sowers had also kept still, we probably would not have had any trouble, or have to waste any of your time, but now that he has started it, I think at least I ought to try and see it through.

I want to say, frankly, that this bill is not a joke to the large divisions of the people of this state; the one being the division the gentleman just referred to as the mothers of children of school age, and the other is that large abused portion of the population called farmers. I want to say to you, as the sponsor of this bill, that the Associated Press has advertised it widely over the state, and as a result, I have received dozens and dozens of letters and they have come mainly from these two sections or divisions of society, or organizations, or people of this state, the farmers and the mothers of the children of school age. and in every instance they either prayed that I would be successful in the passage of this bill or they were vindicative and lambasted the people who first started this Daylight Saving Time

Now, gentlemen, if you will just let me have a moment's time I will go back to November 18, 1883, which was simply the beginning by the people of this nation to try to regulate the time in some orderly manner. It was started by the American Railway Association with the proposition to divide this whole United States into zones, an hour apart, and that was inaugurated on November 18, 1883. Since that time, it has not only included the United States, but the whole world, and the whole world is now divided into twenty-four zones, an hour apart, to regulate and standardize time.

In 1919, this state of ours adopted that same time. After the state adopted the Federal law, standardizing this time exactly, we have been going ever since on the time established, first by the Railway, then by the Federal Government, and then by state law. Now, the last time this state law was amended was in 1923, and here is the law in my hands, and this is what it says, in a very few words. I am not going to read it all to you. It just simply states:

"That no country, city, borough, town, township, or other municipal subdivision of the Commonwealth shall, by ordinance, resolution, or rule, adopt a different standard of time for any year, or any portion of the year, than that herein provided, and all ordinances, resolutions, and rules heretofore adopted, contrary to this proviso, are declared to be void and of no effect."

Therefore, this state has adopted the Standard Time adopted by the Federal Government and the railroads, and that stands as the state law, and how, in Heaven's name some other organizations, and I am told—I should say, it is alleged—that this Daylight Saving Time change now is inaugurated by Chambers of Commerce and banking institutions and a few white collared people of the cities, because they wanted an hour's extra time to play golf or to go to recreation parks they are thereby inconveniencing, discommoding and throwing out of line two great sub-divisions of the people of this state, namely, the farmers and the mothers of children of school age. Everyone of them object to this Daylight Saving Time. They all agreed to it, without a word of remonstrance, when it was needed during the emergency of the war, but now, there is no excuse and no valid reason for Daylight Saving Time.

In the courthouse in the city of Erie, the offices have four distinct and different times, and this matter has become so acute, gentlemen, that it is time that this action or some similar action be taken to stop it.

If a few people in the cities and chambers of commerce members and a few bankers and a few city organizations are going to disrupt the time schedule of all mothers of school children and all the farmers of the state, then it is time that this body of legislators take action and put a stop to it.

In this connection, I consulted Mr. Fertig, and I believe there is no better authority than Mr. Fertig in this state, and he simply told me, in plain words, that there is no method by which we can enact a new law, but we can amend the school code to cover this situation and cover it thoroughly, and we will have for our backers all the mothers of this state.

I was the third or fourth member of the Assembly who consulted Mr. Fertig on this particular proposition, so I don't want you to consider that I am doing this for any personal reason whatsoever. I am a farmer and I have received dozens of letters since this agitation was started. I want to tell you, gentlemen, in all seriousness, if you represent the people from the district from which you come, and if you said in your political campaign that you were in favor of Home Rule, then why, in God's name, do you want to allow a chamber of commerce, which doesn't have anything to do, but tries to tell other people what to do, then, are you representing them, or are you representing the people who voted to send you down here to make laws that would benefit them and to be of some service to them.

The Chamber of Commerce has been trying to dictate to the President of these United States, but not very successfully. Some of them have been trying to dictate to the Legislature of this state, but not very successfully, and so they have turned their attention to the mothers of school children and the farmers. Now, are we going to see them successful in that direction? I hope the members of this House will remember who voted for them and vote for this bill.

I went through this bill and added an amendment to it, in consideration of certain towns or cities where it was necessary to have two sessions of their high schools, and in that case, begin school at eight o'clock and continue until the second session was finished, and on the advice of Mr. Fertig this bill is an amendment to this school code. It would represent all of the people in all parts of the state, treat them all equally, and also obey the Federal law and the state law, which, as I read to you, states that the day shall start at a certain time, decided by the 75th meridian, west of Greenwich, and inasmuch as it is the law of the Federal Government, of this state and of the whole world, why should we just want to accommodate a few white collar people by adopting Daylight Saving Time.

I ask you to vote for this bill.

Mr. ANDREWS. The golf playing lawyers can deride and laugh at this bill as much as they like, but in the rural counties of Pennsylvania, it is one of the paramount issues. The Democratic party could not go to the people on a Daylight Saving issue and win. These schedules may be all right for the leisure class, and they are leisure class schedules.

There are children in this state, who, in order to get to school, over the long bus routes have to get up at six o'clock in the morning, absolutely and positively.

I do not object, members of the House, to your voting against this bill, if that is your conviction, but if any of you believe that it is not an issue and a real issue, you are making the biggest political mistake of your lives.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—81

Alexander,	Eroe,	Moomaw,	Shugarts,
Allen,	Falkenstein,	Moran,	Siegel,
Andrews,	Furman,	Moul,	Sloan,
Arnold,	Haberlen,	Muir,	Smith, J. A.,
Baine,	Haluska,	Munley,	Smith, W. G.,
Baker, F. T.,	Hartman,	Murrin,	Snyder, F. E.,
Barber,	Horst,	Nagel,	Snyder, J. L.,
Bernhard,	Kelso,	O'Neill,	Stevens,
Boose,	Kinney,	Panton,	Stewart,
Boyer,	LaRue,	Parks,	Stone,
Brennan,	Lynch,	Patterson, C.,	Sumney,
Brownfield,	Male,	Phillips,	Surface,
Cannon,	Mason,	Reising,	Van Allsburg,
Carson,	McCreary,	Rinn,	Walker,
Chervenak,	McDermott,	Robinson,	Welliver,
Cohen,	McElroy,	Ruth,	Welsh,
Coleman,	McHenry,	Schrock,	Westrick,
Davies,	McKinney,	Schrope,	Wood,
Decker,	Mentzer,	Schwab,	Yourishin,
Dent,	Merrell,	Shortz,	Sarig,
Downey, J. J.,			

NAYS—108

Achterman,	Flynn,	Linderman,	Shreiner,
Altenburg,	Forrest,	Long,	Simpson,
Atkins,	Gates,	Longaker,	Sinwell,
Aukerman,	Gerard,	Lovett,	Sowers,
Baker, J. J.,	Gillette,	Mallen,	Spangler,
Baldi,	Green,	McDevitt,	Sproul,
Boyd, R.,	Greenstein,	Melchiorre,	Stank,
Bradley,	Habbyshaw,	Mooney,	Stockham,
Brancato,	Hagerty,	Moore,	Stott,
Brown, H. S.,	Hamilton, F. P.,	Nothnagle,	Tahl,
Brown, J. E.,	Hamilton, R. S.,	O'Keefe,	Terry,
Burke,	Harkins,	Ominsky,	Tronzo,
Caputo,	Harmuth,	Patterson, J. W.,	Trout,
Carr,	Hart,	Pearson,	Tumelty,
Castor,	Hefferon,	Perry,	Turner,
Condon,	Hetrick,	Peters,	Van Sickle,
Conner,	Hirsch,	Pfaff,	Wall,
Coolahan,	Hoffner,	Piole,	Wasserman,
Denning,	Holland,	Powers,	Weidemann,
Diehl,	Holstrom,	Reynolds,	Weiss,
Dilley,	Hoopes,	Roan,	White,
Downey, G. E.,	Jackson,	Rooney,	Wickersham,
Duffort,	Kane,	Ruffennach,	Winner,
Eberharter,	Kelder,	Sarraf,	Witkin,
Finnerty,	Kilroy,	Scanlon,	Woodside,
Fitch,	Klingler,	Shaw,	Yeakel,
Flanagan,	Kobelak,	Shepard,	Zappala,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2486, entitled:

An Act to amend the act approved the twentieth day of April, one thousand eight hundred seventy-four (Pamphlet Laws, sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," as amended and supplemented, by clarifying the law relating to municipal financing; further defining the method of determining permitted and existing indebtedness; modifying and simplifying the procedure for incurring or increasing indebtedness, either with or without an election; reducing the period of time required for advertising elections and sales of bonds; providing for the private sale of bonds to the United States of America; and repealing conflicting acts and sections of acts.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER: Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. ARNOLD: I will, Mr. Speaker.

Mr. TURNER: Mr. Speaker, I would like to ask the sponsor of this bill in what manner this changes the present law in reference to increasing the indebtedness?

Mr. ARNOLD: Mr. Speaker, in answer to the gentleman from Delaware, as far as I have been able to interpret the bill, it does not extend the privilege of increasing the indebtedness under the present law.

Mr. TURNER: Then, Mr. Speaker, what does this bill do?

Mr. ARNOLD: Mr. Speaker, this bill is drawn for the purpose of clarifying the law as it is written at the present time, by repealing certain individual acts and incorporating them in this one act, with the idea back of it of making it possible for the municipalities and political subdivisions to take advantage of the Federal Works program.

Mr. TURNER: Mr. Speaker, doesn't this bill increase the indebtedness from seven to ten percent?

Mr. ARNOLD: Mr. Speaker, I think, if you will read the bill, you will find that that is not the case. On the bottom of page 2 of the bill, you will find brackets around

that part of the old act which has been stricken out, carrying into effect identically the same, but in other wording, what we have at the top 3, the underscored insertion.

Mr. TURNER: Mr. Speaker, doesn't the act on page 6, line 9, provide for an increase of indebedness from seven to ten per cent?

Mr. Speaker, I would like to ask the gentleman from Fayette and I didn't start this interrogation in opposition to this bill, but in order to clarify it in my own mind and the minds of the members, in view of that particular provision of the act, which it is difficult to follow and which at first blush appears to me to be unconstitutional, whether he would be willing to place the bill on the postponed calendar, until we have had a further opportunity to study that provision.

Mr. ARNOLD: Mr. Speaker, this act has been prepared with the intention submitted to us from Washington, and has been prepared and reviewed in the Attorney General's office, to carry out the provisions that I have before stated. It is an administration measure. It is for the purpose of clarifying and consolidating the acts already existent, and does not in any case extend the power to borrow money beyond the provisions already set up. Personally, I see no reason for further consideration of it, and I think we should vote for the act, and I urge you so to do.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—169

Achterman,	Dent,	Klingler,	Rooney,
Alexander,	Diehl,	Kobelak,	Ruffennach,
Allen,	Dilley,	LaRue,	Ruth,
Andrews,	Downey, G. E.,	Long,	Sarraf,
Arnold,	Downey, J. J.,	Longaker,	Scanlon,
Atkins,	Duffort,	Lovett,	Schropé,
Aukerman,	Eberharter,	Lynch,	Schwab,
Baine,	Eroe,	Male,	Schwartz,
Baker, F. T.,	Falkenstein,	Mallen,	Shaw,
Baker, J J.,	Finnerty,	Mason,	Shepard,
Baldi,	Fitch,	McCreary,	Shortz,
Barber,	Flanagan,	McDermott,	Shreiner,
Barnhardt,	Flinchbaugh,	McDevitt,	Shugarts,
Bernhard,	Furman,	McElroy,	Siegel,
Blumberg,	Gates,	McHenry,	Simon,
Boose,	Gerald,	Melchiorre,	Sinwell,
Boyd, R.,	Green,	Mentzer,	Sloan,
Boyer,	Greenstein,	Moomaw,	Smith, J. A.,
Bradley,	Habbyshaw,	Mooney,	Smith, W. G.,
Brancato,	Haberlen,	Moran,	Sowers,
Brennan,	Hagerty,	Moul,	Spangler,
Brown, H. S.,	Haluska,	Munley,	Stank,
Brown, J E.,	Hamilton, F. P.,	Murrin,	Stevens,
Brownfield,	Hamilton, R. S.,	Nagel,	Stone,
Brumbaugh,	Harkins,	O'Keefe,	Stott,
Burke,	Harmuth,	Ominsky,	Sumney,
Cannon,	Hart,	O'Neill,	Surface,
Caputo,	Hartman,	Panton,	Tahl,
Carr,	Hefferon,	Parks,	Terry,
Carson,	Heimanzen,	Patterson, C.,	Tronzo,
Castor,	Heinle,	Patterson, J. W.,	Tumelty,
Chervenak,	Hindman,	Pearson,	Van Allsburg,
Coakley,	Hirsch,	Pfaff,	Van Sickle,
Cochran,	Hoffner,	Phillips,	Walker,
Cohen,	Holland,	Piole,	Wasserman,
Coleman,	Holstrom,	Powers,	Weiss,
Condon,	Hoopes,	Reising,	Welliver,
Conner,	Horst,	Reynolds,	Welsh,
Coolahan,	Jackson,	Rhys,	Westrick,
Cordier,	Kelder,	Rinn,	Yourishin,
Davies,	Kelso,	Roan,	Zapoula,
Decker,	Kilroy,	Robinson,	Sarig,
Denning,	Kinney,		

NAYS—31

Flynn,	Muir,	Sproul,	Wickersham,
Forrest,	Nothnagle,	Stewart,	Winner,
Gillette,	Perry,	Stockham,	Witkin,
Kane,	Peters,	Trout,	Wood,
Linderman,	Schrock,	Turner,	Woodside,
McKinney,	Simpson,	Wall,	Yeakel,
Merrell,	Snyder, F. E.,	Weidemann,	Zimmerman,
Moore,	Snyder, J. L.,	White,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. KILROY. Mr. Speaker, I desire to call up at this time House Bill No. 1928, Printer's No. 837, on page 29, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. KILROY.

The House resumed the consideration on third reading of House Bill No. 1928, entitled:

An Act providing for the administration of relief to poor in cities of the first class by the Department of Public Welfare and abolishing existing poor districts therein

On the question recurring,

Will the House agree to the bill on third reading?

Mr. FITCH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the title page 1, line 3, by striking out the words "and abolishing existing poor districts therein"

Amend the title page 1, line 3, by inserting, after the word "Welfare" the following: "and further providing referendums to ascertain the will of the electors of the poor districts of said cities with respect to the abolishing of a poor district or districts therein."

Amend Page —2— by inserting after Section —3— a new Section to be designated Section —4— to read as follows:

Section 4 Referendum Statement of Question on Ballots At the municipal election in the year one thousand nine hundred and thirty-five there shall be submitted in the manner provided by the election laws of the Commonwealth a question to determine the will of the electors of each Poor district in cities of the first class with respect to abolishing of a Poor District or Districts therein. Such question shall be in the following form

Do you favor retention of the Poor District in its present form?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of the county and sufficient number of ballots shall be furnished to the election officers in each election district of the county affected so that one ballot may be supplied to each voter at such election.

Amend Page —2— by inserting after the new Section —4— another new Section —5— to read as follows:

Section 5 Returns and Computation of Votes The votes cast on such question shall be counted by the election officers and returns thereof made by them to the pro-

thonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns. The return board shall compute the said returns by Poor Districts and certify the results of the vote cast on the question to the legislative body of the municipality within the county Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections

Amend Page —2— by inserting after the new Section —5— another new Section designated Section —6— to read as follows:

Section 6 Future Referendums In any city of the First Class the will of the electors with respect to a Poor District or Districts may after the year one thousand nine hundred and thirty-five but not oftener than once in ten years be ascertained and the question as provided in this act shall be submitted to the electors of any Poor District of such municipality upon demand in writing of petitioners equal to at least five per centum of the highest vote cast for any office in the said Poor District at the last preceding special general or municipal election. Such petition shall be filed with the corporate authorities at least sixty days before the day of any special general or municipal election at which the question is to be submitted and if the petition is sufficiently signed it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five. After any such vote a Poor District shall continue to operate as now provided by law or be abolished as herein before provided in accordance with the findings as expressed by the voters at such election.

Amend Page —2— by inserting after the new Section —6— a further section designated Section —7— to read as follows:

Section 7 Intent of Act It is the intent of this act to provide a method whereby the will of the electors of each Poor District with respect to abolishing of a Poor District or Poor Districts may be ascertained.

Amend Page 2, line 14, by placing light faced brackets before and after the numeral '4" and inserting in lieu thereof the numeral "8"

Amend Page 2, sec. 4, line 16, by inserting after the word "unconstitutional" the following: "except those sections relating to a referendum."

Amend Page 2, line 18, by placing light faced brackets before and after the numeral "5" and inserting in lieu thereof the numeral "9."

Amend Page 2, line 20, by placing light faced brackets before and after the numeral "6" and inserting in lieu thereof the numeral "10."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1962. as follows:

An Act to amend sections 1 and 2 as amended sections 70 and 71 to repeal section 69 of and to add sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred and eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 1 of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" as amended by section one of the act approved the seventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That [on and after the first day of January (1912) nineteen hundred and twelve it shall not be lawful for any person to carry on or work at the business of plumbing or house drainage in cities of the first class having a system of sewerage and water-supply of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons by the Director of the Department of Public Health or the Bureau or Board of Health of such cities nor until they have registered as such in the office of the Board of the Board or Bureau of Health of said cities Provided however That nothing in this act shall be construed to prevent the employment or working of apprentices under the direction of duly registered and licensed master or employing plumbers And provided further That master or employing plumbers duly registered and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and journeymen plumbers who have served not less than four years apprenticeship shall not be required to undergo any examination and they shall be entitled to register provided said persons firms or corporations register prior to January first one thousand nine hundred and twelve and annually thereafter between the first and thirty-first days of December of each year as per section two of this act And provided further That before such certificate or license to engage in the work of said business shall be granted to any master plumber firm or corporation such master plumber firm or corporation shall file a bond annually in the sum of two hundred and fifty dollars ($250.00) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnity the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Public Health in the performance of work done by such master plumber firm or corporation Said bond shall contain a provision that no suit thereon shall be instituted or maintained unless and until the Department of Public Health issues a certificate certifying that said master plumber firm or corporation has failed to comply

with such acts of Assembly and/or such rules and regulations of the Department of Public Health In the event of such bond being cancelled or becoming ineffective for any reason whatsoever the license granted to such master plumber firm or corporation may be revoked] on and after the first day of December one thousand nine hundred and thirty-five it shall be unlawful for any person or persons to carry on the business or work at the trade of plumbing defined as drainage water piping or the construction alteration and repairing any drainage cesspools trap waste vent or water piping and fixtures attached thereto directly or indirectly connected to the city service water supply or any connection or connections in relation thereto in cities of the first class having a system of sewerage and water supply of this Commonwealth until a master plumber's license and certificate of registration to engage in or work at said business shall have been granted said persons by the Department of Health of such cities Provided That nothing in this act shall be construed to prevent the employment of apprentices except as hereinafter provided journeymen and licensed plumbers under the direction of duly certified and licensed master plumbers or under the direction of registered journeymen plumbers And provided further That master plumbers duly certified and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and registered journeymen plumbers shall not be required to undergo an examination and they shall be entitled to apply for registration annually thereafter

Section 2 Said act is hereby amended by adding thereto Sections 1.1 1.2 1.3 1.4 1.5 to read as follows

Section 1.1 All and every person or persons desiring to engage in the business or trade of plumbing as a master plumber in cities of the first class shall apply in person and file an application in writing containing the recommendation of two registered master plumbers certifying to the fact that such applicant has the necessary knowledge and experience and bears a good reputation and the applicant shall have been duly registered apprentice plumber for no less than four years and a registered journeyman plumber for at least one year prior to the filing of such application for license as master plumber which application shall be made to the Department of Health and after proper examination given by the Board of Plumbing Supervision of the Department of Health of said cities if such person or persons so applying shall be found competent and the fee has been paid as hereinafter provided the same shall be certified to the Director of Public Health of said cities who shall only to those so certified by the Board of Plumbing Supervision issue a license and certificate of registration to such persons certifying that they are registered master plumbers Such license shall so long exist as such master plumbers shall comply with all the rules and regulations of the Department of Health and obey the provisions of this act and shall entitle them to annually apply for a certificate permitting them to engage in or work at the trade of plumbing

One desiring to secure the status of an apprentice shall cause his name to be recorder on the register or rolls of the Department of Health at a cost to be fixed by the Director of the Department of Health and if approved shall receive a card of registration The employer of the apprentice shall certify on the said register or rolls that he is the certified licensed master plumber employing the apprentice If the apprentice changes employers each employer shall certify his employment of the apprentice The apprentice shall be sixteen years of age or over Provided That every certified master plumber may employ one apprentice and shall be entitled to employ not more than one additional apprentice for every four journeymen plumbers employed

No one but a qualified plumber as specified and provided for herein may do plumbing work however a helper or laborer may work under the direction of such a qualified licensed plumber performing only ordinary unskilled labor such as excavating drilling cleaning and moving

Section 1.2 No person firm or corporation not directly engaged in the trade or business of plumbing shall engage in the said business trade or work by himself itself employe or by any other means attempt to engage in the said plumbing work or business of plumbing No member of a firm of three or more persons or a corporation can engage in or continue in the plumbing trade unless one member is a certified licensed master plumber and a second member of said firm or corporation possesses a license as a master plumber

Should a certified master plumber or a licensed member of the firm or corporation die become incapacitated or sever his connection with the business the business can be continued during the process of administration for a period of not exceeding one year providing the necessary steps are taken satisfactory to the Board of Plumbing Supervision of the Department of Health to admit another master plumber qualified as above provided for as a member of the said firm or corporation Provided That a certified licensed master plumber approved by the Board of Plumbing Supervision of the Department of Health during this interim of administration supervises all work and assumes full responsibility therefor And provided further That municipal authorities shall be permitted to employ a licensed plumber for the repairing of plumbing in municipal buildings

Section 1.3 In the month of November the Department of Health shall send to the shop of each licensed master plumber possessing a certificate of that year an application for a certificate for the succeeding year and those desiring to continue in the trade of plumbing may either deliver in person or mail into the Department of Health the said application properly executed and signed together with the fee prescribed hereinafter not later than the thirty-first day of December and the Department of Health plumber certifying him as a licensed registered master plumber The cost of securing such certificate each *year* shall be three dollars ($3.00) and no other cost to be imposed by the city

Upon the failure of a licensed master plumber to make proper application for his certificate as herein provided by the thirty-first day of December he shall pay a penalty of two dollars ($2.00) and those licensed master plumbers who fail to secure a certificate for two years shall take an examination as required of applicants by this act

Section 1.4 Those desiring to become journeymen plumbers shall apply to the Department of Health and be given an examination by the Board of Plumbing Supervision of the Department of Health for the privilege of which examination they shall pay five dollars ($5.00) The names of those persons found competent shall be certified to the director of health of said cities who shall thereupon issue a certificate of registration to the applicant Registered journeymen plumbers who have been registered for four years shall be entitled to take the examination and qualify for a license as a master plumber. The journeyman plumber shall register each year in the month of January with the Department of Health and receive a certificate of registration at the cost of fifty cents (50c)

Those applying for a license as a master plumber shall pay for the privilege of examination the sum of twenty-five dollars ($25.00) and those who shall fail to pass an examination shall be permitted to retake the examination after the lapse of three months for which he shall pay five dollars ($5.00) Should the applicant again fail he may retake the examination at intervals of one year at the cost of twenty-five dollars ($25.00)

If the applicant for registration as a journeyman plumber fails he may retake the examination after three months at the cost of one dollar ($1.00) and if he fails again he may retake the examination at intervals of three months at the cost of five dollars ($5.00) All fees for examinations and registration as herein provided for shall be paid into the city treasury

A register or roll of all master plumbers and journeymen and apprentices who shall secure their certification each year shall be kept in the said department which rgister or roll shall be open to the inspection of all persons interested therein

Section 1.5 Every certified licensed master plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business the word "Registered" and the name or names of the person firm or corporation in letters not less than three inches high

No person other than a certified licensed master plumber shall be allowed to display the sign of plumbing or plumbing repair or house drainage or water piping or any advertisement pertaining thereto and the same shall apply to a firm or corporation

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its certificate to the Department of Health

Section 3 Section two of the said act as amended by section two of said amending act approved the seventh day of May one thousand nine hundred and thirty-one (P. L. 101) is hereby further amended to read as follows

Section 2 [All and every person or persons engaged or engaging in the business or work of plumbing and house drainage in cities shall apply in writing to the said Director of the Department of Public Health Board or Bureau of Health for such certificate or license and if after proper examination made by the board or bureau of health of said cities such person or persons so applying shall be found competent the same shall be certified to the Director of Public Health Board or Bureau of Health who shall thereupon and upon the giving of a bond as hereinabove provided for issue a certificate or license to such persons which shall for the period of one calendar year or fractional part thereof next ensuing the date of such examination entitle him or them to engage in or work at the business of plumbing and house drainage

A register of all such applicants and the license or certificates issued shall be kept in said department which said register shall be open to the inspection of all persons interested therein

The Director of the Department of Public Health is hereby authorized to appoint a board of examiners to consist of the Director of the Department of Public Health one plumbing inspector and two competent plumbers in no wise connected with the city government who shall examine all applicants for license under the provisions of this act The said board shall make all reasonable rules regulations and examinations which shall be approved by the said Director of the Department of Public Health An examination of any one member of a firm or corporation or of the superintendent or foreman thereof shall be deemed sufficient

Said person or persons firm or corporation engaged or engaging in the business or plumbing or house drainage shall pay for each examination the sum of twenty-five dollars and each journeyman or person engaged in the work shall pay the sum of fifty cents which sum shall be paid into the city treasury for the use of said cities The proper officers of said cities are hereby authorized to pay the plumbers acting on said board the sum of ten dollars per day for each day or session thus actually employed

Every registered plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business a sign "Registered Plumber" bearing the name or names of the person firm or corporation in letters not less than three inches high

No person other than a registered master plumber shall be allowed to carry on or engage in the business] [nor shall any person or persons expose the sign of plumbing or house drainage or any advertisement pertaining thereto unless he or they have first given such bond secured a license or certificate and been registered in the office of the Board or Bureau of Health of such cities nor shall any person or persons other than a registered master plumber or person in his or their employ or under his or their supervision be allowed to alter repair or make any connection with any drain soil waste or vent-pipe or any pipe connected therewith

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its Every person firm or corporation or representative thereof in registering shall give the full name or names of the person firm or officers' names of the corporation for which he or they shall register

At the expiration of each calendar year said certificate or license shall be null and void A licensed master or journeyman plumber desiring to continue in or work at the business of plumbing and house drainage for the ensuing year shall between the first and thirty-first days of December of each year surrender the said certificate or license for the current year to the Department or Board or Bureau of Health and re-register his their or its name or names and business or home address upon such form or forms as may from time to time be furnished by said Department or Board or Bureau of Health

A re-examination will not be necessary for re-registration unless the licensed master or journeyman plumber should have failed to make application for re-registration at the specified time The sum of twenty-five dollars shall be paid by master plumbers firms or corporations and the sum of twenty-five cents by journeymen plumbers for re-registration which sums shall be paid into the city treasury for the use of said cities A register of all such applicants and license or certificates issued shall be kept in said Department Board or Bureau of Health which said register shall be open to the inspection of all persons interested therein Any person firm or corporation holding a license granted by any city of this Commonwealth to engage in or work at the business of plumbing and house drainage desiring to do plumbing and drainage work in any other city than the one in which said license or certificate was granted shall without examination by registered before entering upon such work Provided however That such registration shall be restricted and limited to such plumbing and drainage work as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his or its name or their names and addresses as hereinbefore provided] The Director of the Department of Health shall appoint a board to be known as the Board of Plumbing Supervision of the Department of Health It shall consist of the Director of the Department of Health one representative of the House Drainage Division of the Division of Housing and Sanitation four certified licensed master plumbers and one licensed journeyman plumber A master plumber who may qualify as an appointee must conduct a bona fide shop and be actively engaged in the trade of plumbing and those qualifying must not hold a position with the city or in any other manner be connected with the city or be an officer of a political party Three members of the board shall be appointed for a term of three years and two for a term of two years

Section 4 Said act is hereby amended by adding thereto Sections 2.1 2.2 2.3 2.4 2.5 to read as follows

Section 2.1 This board shall examine all applicants for licenses as master plumbers as provided for under the provisions of this act and upon finding the applicant competent shall certify his name to the Director of Health as qualified to be licensed and registered shall have the power to hear complaints made by licensed

Section 2.2 The said board
plumbers of irregularities committed by licensed and licensed certified master plumbers and irregularities committed by registered journeymen plumbers and apprentices and the said board of the Department of Health shall have the power to suspend or revoke the certificate or the license of the master plumber and also suspending or revoking the certificate of registered journeyman plumber upon cause shown The aggrieved respondent shall have the privilege of appeal from the action of the Board of Plumbing Supervision of the Department of Health to the court of common pleas as in all other appeals made and provided for under the laws of the Commonwealth of Pennsylvania from executive bodies

The said board shall make all rules and regulations for the conducting of its business The board shall fur-

ther have the power to hear complaints of licensed certified master plumbers and of registered journeymen plumbers against employes of the Department of Health connected with the plumbing division

In furtherance thereof the Board of Plumbing Supervision of the Department of Health may recommend to the Director of the Department of Health the punishment or dismissal of said employe of the house drainage division of the division of housing and sanitation

The proper officers of the said cities shall pay the plumbers acting on said board the sum of ten dollars ($10.00) for each day or session thus actually employed in carrying out the duties provided for by the provisions of this act The Board of Plumbing Supervision shall be convened for the purposes of carrying out the provisions of this act as frequently as they deem necessary Such meetings shall be held in a fixed centrally located headquarters provided by the Department of Health

Section 2.3 That person holding the position of supervising plumbing inspector and that person holding the position of assistant supervisor of plumbing and those persons holding the positions of plumbing inspectors must sucessfully have passed the examination of licensed master plumber as given by the Board of Plumbing Supervision Provided however That those men holding those positions upon the passage of this act shall not be affected thereby so long as they shall continue in their employment

Section 2.3 The Department of Health shall issue to each master plumber who re-registers as a master plumber for the year one thousand nine hundred and thirty-six and to every master plumber who is granted a license thereafter a license and a permanent license number stating that the applicant has successfully passed the examination for a master plumber and is entitled to apply for re-registration annually thereafter provided he has established a place of business After this place of business has been approved by the Department of Health he shall be pranted a certificate of registration and the Department of Health shall furnish one metal plate bearing the words "Registered Master Plumber" Philadelphia and his permanent license number If additional metal plates are required they shall upon written application be furnished by the department as a cost to be set by the Department of Health and provided further that each and every vehicle used by master plumbers and equipped for trade of plumbing or used for the regular transportation of tools and equipment used for plumbing must have attached thereto on its exterior in a plainly visible position the herein described metal plate

Section 2.5 Any person firm or corporation holding a license or certificate granted by any city of this Commonwealth to engage in or work at the trade of plumbing house drainage and water piping desiring to do plumbing house drainage or water piping in a city of the first class shall without examination be registered before entering upon said work Provided however That such person or persons shall prior to such registration post a surety bond in the sum of five hundred dollars ($500) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnify the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Health in the performance of work done by such master plumber firm or corporation and pay the sum of fifteen dollars which sum shall be paid into the city treasury And provided further That such registration shall be restricted and limited to such plumbing repair drainage work or water piping as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his their or its name or names and addresses as hereinbefore provided

Section 5 Section sixty-nine of said act is hereby repealed

Section 6 Section seventy of said act is hereby amended to read as follows

Section 70 [Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage shall be liable to a fine of not less than ten dollars nor exceeding fifty dollars for each and every day he or they shall engage in or work at said business without first having obtained said certificate or license and any person or persons who shall violate any of the rules regulations or requirements set forth in this act regarding the construction reconstruction or testing of plumbing house drainage or cesspools shall be liable for every such offense to a fine of not less than ten dollars nor more than fifty dollars which fines shall be recoverable before any alderman or police magistrate in said cities by summary proceedings and shall be sued for in the name of such cities and when collected shall be paid into the treasury thereof

All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace in said cities and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed and upon recovery thereof all such fines and penalties shall be to the city treasurer thereof In default of the payment of any fine or penalty imposed by any police magistrate or justice of the peace under the provisions of this act the person or persons so offending may be committed to the jail workhouse or other penal institution of the county in which said city is situated for a period not exceeding thirty days] Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply additions alterations and repairs to plumbing house drainage water piping cesspools wastes traps or vents shall upon summary conviction before a magistrate or upon conviction in a court of record for the first offense committed by such person or persons pay the cost of prosecution and enter a bond of two years duration of an approved surety company approved by the court of common pleas of the county in the sum of five hundred dollars ($500) to the city in which said offense shall have been committed/conditioned that he will not violate any of the provisions of said acts of Assembly thereafter if the violator shall fail to procure a bond he shall be committed to the county jail for thirty days and upon any subsequent violation of any provision of this act the magistrate must hold the person or persons for the next term of court and upon conviction the said bond shall be forfeited to said city Provided That such person or persons shall be liable to a fine of fifty dollars for each and every day he or they shall engage in or work at said business without having first obtained the certificate and license as herein set forth and at the discretion of the court shall be imprisoned for a period not exceeding twelve months

Section 7 Said act is hereby amended by adding thereto Sections 70.1 70.2 70.3 to read as follows

Section 70.1 Licensed plumbers who shall violate any of the rules regulations or requirements made by the Board of Plumbing Supervision of the Department of Health in accordance with the provisions of said act as amended regarding the construction reconstruction additions alteration repairing or testing of plumbing house drainage water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools and wastes traps or vents shall be liable for every such offense to a fine of not less than five dollars ($5.00) nor more than fifty dollars ($50.00) All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace or court of record in said cities and all suits or actions at law may be instituted by any individual for the recovery thereof and shall be in the name and for the use of the city within or against which offense is committed

and upon recovery thereof all such fines and penalties shall be paid to the city treasurer thereof

Section 70.2 At the instance of the Director of Health the city solicitor shall institute all legal proceedings for violations of the provisions of this act

Section 70.3 All permit secured for the doing of any plumbing house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools wastes traps or vents shall be conspicuously posted upon the front of the premises where the work is being done Any police official or inspector of the Department of Health of the said cities shall immediately order such work discontinued until a permit is produced Provided That if said work be nevertheless continued without placing said permit in a conspicuous place said person or persons shall be guilty of a violation and punished as set forth herein

Section 8 Section 71 of said act is hereby amended to read as follows

Section 71 The Board of Plumbing Supervision of the Department [or Board or Bureau] of Health shall have power to make such rules regulations and changes in the foregoing specifications relative to the construction of the plumbing or house drainage as said [department] board [or bureau] may from time to time determine to be necessary or advisable for the better protection of the safety or health of the occupants of any house or the community

Section 9 Said act is hereby amended by adding thereto Section 73 to read as follows

Section 73 Wherever it does appear in the act to which this is an amendment the phrase "Board or Bureau of Health" the same shall be taken to mean the Board of Plumbing Supervision of the Department of Health

Section 10 All acts and parts of acts inconsistent with the provisions of this amending act or supplied thereby are hereby repealed

All rules and regulations ordinances of council of the said cities of the first class inconsistent contradictory or contravening the provisions and purposes of this amending act are hereby declared null and void

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. TUMELTY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1612, entitled:

Relating to the defense of alibi in criminal prosecutions

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker and members of the House, I do not know whether this bill, commonly known as the Alibi Bill, that was restored to the calendar after a negative recommendation from the committee from whence it came, the Judiciary General Committee, was designed to help the district attorney or the commonwealth in the prosecution of its cases, or whether it was designed to help the defendant in trying his case, but as I read the bill, it seems to me to hurt the commonwealth and the district attorney rather than to aid the commonwealth and the prosecuting officers.

Under the terms of this bill, all that a defendant would have to do in order to gain delay, and all a defendant would have to do in order to stop the Commonwealth from producing witnesses who came to the Commonwealth at the last moment, would be to set up the fact that they are going to present an alibi at the time of the trial. That alibi might consist in the defendant simply stating that he was going to present his wife or a member of his family. Immediately upon his so doing, the Commonwealth, within two days, would have to specify the names and addresses of all the witnesses upon whom the Commonwealth relied to secure a conviction.

I have always been in favor of passing laws that would aid the district attorney and the Commonwealth, and I am opposed to any laws that would make it more difficult to procure a conviction. If, as a case might arise, under the terms of this bill, the commonwealth had three witnesses, two or three days before the trial, and if the county detectives were out trying to seek further witnesses and better witnesses for the commonwealth, under the terms of this bill, unless the district attorney knew two days in advance of the trial who his witnesses were, he would be stopped from producing any witness who could positively identify the defendant.

I can see no reason for such legislation. I can see no reason for any bill that would hamper or delay a prosecuting officer. Now, it might be argued that this bill helps the commonwealth, in that the witnesses for the defendant are mentioned and sought out. That may or may not be true, but the disadvantage of the bill, in compelling the district attorney to name his witnesses ahead of the time and in the fact that it would prevent the district attorney from producing other witnesses than those named, seems to me to be bad in principle.

There is one other defect, as I see it, in this bill, and that is that it does not aid in the speedy trial of members of the gangster class, who ought to be brought to trial speedily, in that it provides that seven days before the trial, the defendant has to present the names of his witnesses. Well, there are some cases that do not require seven days delay, and there are some cases that ought to be tried and disposed of immediately. I refer particularly to cases of robbery, or burglary or holdups in the big cities of the commonwealth of Pennsylvania, and I say to the members of this House, that you ought not to pass this legislation. It is unnecessary and it is only impeding and hampering the commonwealth, and aiding, on the other hand, the gangster who violates the law. I solicit your vote against the passage of this bill.

Mr. EBERHARTER. Mr. Speaker and members of the House, I rise to make a few remarks as to this bill. As was said by the gentleman from Philadelphia, Mr. Witkin, this is a bill which the Committee on Judiciary General reported negatively.

In spite of that recommendation of the Committee on Judiciary General the members of this House on motion of the sponsor of the bill decided to place it on the calendar. I don't know whether that decision was made by the members of this House in a playful mood or in a spirit of contrariness or what spirit actuated them in placing this bill on the calendar.

However, I believe that this is the first bill that has

been placed on the calendar in this manner, and it seems to me that that action by the House is a reflection on the Judiciary General Committee.

In behalf of this committee I want to say that the committee has, since bills were introduced in this House met each and every week at least once, and many and many a week they have met twice. They have reported up to the end of last week a total of 93 bills to the floor of this House, and each and every bill that was considered in that time was considered conscientiously and considered fairly. I attended every meeting of that Judiciary General Committee and never at any time, at any of those meetings did the spirit of partisanship or politics enter into the discussion. The meetings were harmonious in all respects, and each and every member seemed to vie with each and every other member in trying to render the most conscientious and best service to his constituents in enacting legislation which he believed would be for the best interests of the people.

No activity that I have been engaged in since coming to Harrisburg have I enjoyed more than the activities in connection with this Judiciary General Committee, and I feel sorry that the Judiciary General Committee is the first committee that has felt this rebuke on the part of the members of the House.

I am not going to ask the members to vote "aye" on this bill or to vote "no" on this bill. The bill was considered by the committee on three separate occasions. It was considered in a fair spirit and they negatived the bill.

There are many features of the bill which I think are very, very bad. In the first place, the bill requires that the defendant notify the district attorney seven days in advance of the trial that he is going to present an alibi for defense. Now, there are many times that the defendant does not know seven days in advance that his case is ready for trial, so it is impossible for him to comply with that provision. There are defendants that are in jail that do not have the benefit of counsel that will not know the provisions of this law, that will be notified one or two days before their trial that their trial will be up. It will be impossible for them to comply with the provisions of this act.

The bill also requires the district attorney within two days of the notice to notify the defendant of each and every one of his witnesses that will try to offset the alibi. Now, that is almost an impossible task for the district attorney to do. If he would get notice to day that there was going to be an alibi presented he would by the day after tomorrow notify the defendant of his witnesses Afterwards he would have to bring in all the witnesses that he possibly could, locate them, find out if there were any other witnessess, and then on the next day notify the defendant. So the bill is impractical from that standpoint.

Those are the matters that were discussed in committee, if I may be privileged to say so. I want to say that I think this House should vote on this bill on the recommendation of the committee that is in here asking you to vote against the bill, or asking you to consider the recommendation of the committee.

Mr. VanSICKLE. Mr. Speaker and members of the House, I believe if you will refer to the bill, you will find the answers to many of the objections. You will notice section three "The trial court shall have power to order the amendment, amplification or reduction of such particulars or of the time of their service as the ends of justice may require."

That is all this act is for, to see that justice is secured. If we have confidence in our judges that they can try the case, I think we can have confidence in our judges that they can make such corrections, or amendments as the ends of justice may require.

Let me refer you gentlemen to the present system. What happens? Many times in the trial of a case. when the case, to use common words "goes bad," an alibi crops up in the morning or afternoon, and alibi which it is deplorable to say is in many cases proven by professional witnesses, and the district attorney has absolutely no chance to check on the truth of these witnesses, to check up on where they come from, how much credence should be given to their testimony. No notice is given to the district attorney under these conditions.

However, under this bill, the district attorney would have an opportunity to investigate the caliber or character of the witnesses presented to prove this alibi. The fact that he is also to give notice of his witnesses works no hardships because under the present system, he has no opportunity to bring in any witnesses.

Gentlemen, I do not think it is a mistake to vote for this act because it is contrary to the recommendations of the committee. I do not think that our constituents sent us here to vote simply on the recommendations of committees, because any committee, no matter how well constituted or how much respect we may have for it, can make an honest mistake, and in this instance I believe this committee has made an honest mistake.

I believe our constituents sent us here to use our own minds in determining matters before us and that is what I am going to ask you to do. I am not going to ask you to vote for this bill in a spirit of contrariness. I am not going to ask you to vote for this bill because the commitee recommended negatively, but I am going to ask you to vote as the dictates your conscience may guide you, and I think under the circumstances, as we have passed legislation in this House increasing the penalties for certain criminal acts, I think we should vote to give the district attorney a fair chance to check up on certain witnesses who may be called on to testify in such cases.

Mr. ALEXANDER. Mr. Speaker, with reference to this bill, No. 1612, Printer's No. 756, inasmuch as it was introduced by a lawyer and is opposed by lawyers, it would seem that the bill takes on an entirely new aspect as compared to bills that have been before this House for passage. It would seem to me, ladies and gentlemen of the House, that if this bill were to become a law it would certainly have a tendency to have cases in order for trial which would save a lot of time in a great many court trials. There are alibi witnesses,—we read of them every day. There are men and women making a profession of alibiing in any case. I think the last great criminal trial that we had in this country, namely the Hauptman trial, when everyone was satisfied with the trial going along as it proceeded toward the closing, all at once alibi witnesses turned up in great numbers and it later turned out that these witnesses were nothing more than alibi witnesses. Now, if this bill did nothing more than do away with that form of trial, it would certainly have accomplished a great good. I say as a citizen of this Commonwealth it is absolutely necessary that we outside of the

legal profession support this measure and in doing so we will cause to have in effect before the trial takes place at least a case which is ready for trial. It would save the counties of the different districts many thousands of dollars in a year, and it would do away with that type of witnesses who in a lot of cases have nothing whatever to do with the case.

So I ask the members of the House at least outside of the legal profession to support this bill.

Mr. WICKERSHAM. Mr. Speaker and members of the House, for the past several years the American Bar Association and the Pennsylvania Bar Association have been attempting to do away with sharp practices in the defense of criminal cases.

This act has been approved by the Pennsylvania Bar Association and the only person who will be hurt by the passage of this act is the defendant who comes into court with a framed up alibi. If his defense is honest defense, this act will not hurt him in any way.

One of the gentlemen who spoke for the bill inadvertently misinformed this House on the duties that would be placed on district attorneys. The only thing that a district attorney would have to do would be to give the defendant or his counsel the names of those witnesses whom he relies upon to prove the present of the defendant at the scene of the crime.

Now, every district attorney, when he comes into court, has the names of those witnesses, so that it will only take him a moment or two to give defense counsel that information.

This act should be placed because it is a distinct step in the purification of the defense in criminal cases in this Commonwealth.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—108

Achterman,	Diehl,	Lovett,	Siegel,
Alexander,	Eroe,	Lynch,	Simon,
Allen,	Falkenstein,	Male,	Simpson,
Andrews,	Fitch,	Mason,	Sinwell,
Arnold,	Flynn,	McCreary,	Smith, J. A.,
Atkins,	Forrest,	McDermott,	Smith, W. G.,
Aukerman,	Gates,	McElroy,	Snyder, F. E.,
Baine,	Gillette,	Mentzer,	Snyder, J. L.,
Baker, F. T.,	Haberlen,	Merrell,	Stevens,
Barnhardt,	Hagerty,	Moomaw,	Stewart,
Bernhard,	Haluska,	Moul,	Stockham,
Brennan,	Harmuth,	Muir,	Surface,
Brown, H. S.,	Hartman,	Munley,	Terry,
Brown, J. E.,	Hefferon,	Murrin,	Van Allsburg,
Brumbaugh,	Hermansen,	O'Neill,	Van Sickle,
Cannon,	Hetrick,	Panton,	Walker,
Carr,	Hirsch,	Perry,	Weiss,
Carson,	Hoffner,	Pfaff,	Welliver,
Castor,	Holland,	Phillips,	Welsh,
Chervenak,	Horst,	Rhys,	Westrick,
Coakley,	Kane,	Rinn,	Wickersham,
Cochran,	Kelso,	Roan,	Winner,
Cohen,	Kinney,	Ruth,	Wood,
Coleman,	Klingler,	Schrock,	Woodside,
Coolahan,	LaRue,	Schwab,	Yeakel,
Davies,	Linderman,	Shortz,	Zimmerman,
Dent,	Longaker,	Shreiner,	Sarig,

NAYS—61

Baker, J J.,	Green,	Moran,	Shaw,
Baldi,	Greenstein,	Nagel,	Shepard,
Barber,	Hamilton, F. P.,	O'Keefe,	Shugarts,
Blumberg,	Hamilton, R. S.,	Ominsky,	Sowers,
Boose,	Harkins,	Parks,	Stank,
Boyer,	Hart,	Patterson, J. W.,	Stott,
Bradley,	Kelder,	Pearson,	Sumney,
Brancato,	Kilroy,	Piole,	Tronzo,
Burke,	Kobelak,	Powers,	Trout,
Caputo,	Long,	Reynolds,	Tumelty,
Condon,	Mallen,	Robinson,	Turner,
Denning,	McKinney,	Rooney,	Wall,
Downey, J. J.,	Melchiorre,	Ruffennach,	White,
Eberharter,	Mooney,	Sarraf,	Witkin,
Finnerty,	Moore,	Schrope,	Yourishin,
Flanagan,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2139, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 806 Section 808 Section 1404 and Section 1406 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State department commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended are hereby amended to read as follows and that Section 204 of that act as last amended by the act approved the thirtieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws one hundred twenty-five) is hereby further amended to read as follows

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either di-

rectly or indirectly any branch bank branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

This section shall not apply to branches sub-offices and sub-agencies established or those for which locations had been purchased or leased by deed recorded or leases actually delivered prior to the first day of March one thousand nine hundred twenty-seven or to branches sub-offices and sub-agencies which resulted from mergers or consolidations of institutions effective prior to the first day of April one thousand nine hundred twenty-seven and such institutions shall have the right to relocate the same within the corporate limits of the city borough or township in which the principal place of business is located at the time of such relocation provided that such relocation is made with the approval of the department in the manner provided by this act for any removal of the place of business of an institution

This section shall not apply to any institution which has its principal place of business in a city borough or township within this Commonwealth in which one or more national banking associations incorporated under the laws of the United States was on the first day of March one thousand nine hundred twenty-seven operating one or more branch bank branch offices agencies sub-offices sub-agencies or branch places of business for the transaction of any part of its business and any such institution may hereafter establish subject to the approval of the department and thereafter maintain and operate branch banks branch offices agencies sub-offices sub-agencies and branch places of business for the transaction of any part of its business but only within the corporate limits of the city borough or township in which its principal office is located and in which such national banking association was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business The right to establish and maintain branch banks branch offices agencies sub-offices sub-agencies or branch places of business under the provisions of this subsection shall be limited to the territory included within the corporate limits on the first day of March one thousand nine hundred twenty-seven of the respective cities boroughs or townships in which such national banking associations were on that date operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business and such right shall not extend to additional territory which may after the first day of March one thousand nine hundred twenty-seven be added to such cities boroughs or townships by annexation consolidation with one or more municipal corporations or otherwise nor shall it extend to other portions or divisions of municipal corporations to which such cities boroughs or townships may be annexed or with which they may be consolidated after that date the intention being to limit to the respective corporate limits such cities boroughs or townships as they existed on the first day of March one thousand nine hundred twenty-seven the right to establish and maintain the branch banks branch offices agencies sub-offices sub-agencies and branch places of business authorized in this section

B Any institution may continue to maintain and operate any branch bank branch office agency sub-office sub-agency or branch place of business lawfully established by such institution

C any institution may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department establish a branch bank branch office agency sub-office sub-agency or branch place of business at any place within this Commonwealth where at the time such institution proposes to establish such branch bank branch office agency sub-office sub-agency or branch place of business any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch bank branch office agency sub-office sub-agency or branch place of business of such national banking association

D Any institution [in any city of the first class or any city of the second class may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act establish and thereafter maintain and operate a branch bank branch office agency sub-office sub-agency or branch place of business at any place within the corporate limits of the said city of the first class or city of the second class in which its principal office is located or in any township of the first class contiguous to a city of the first class where the community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or institutions party or parties to a plan of merger or consolidation in accordance with this act]

May in the case of an incorporated institution in the manner provided in this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the Department establish a branch bank branch office agency sub-office sub-agency or branch place of business in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or township in which such branch bank branch office agency or sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or national banking association which is a party to a plan of merger or consolidation in accordance with this act

Provided that an institution shall not have the power to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county other than the county in which its principal place of business is located if a branch bank branch office agency sub-office sub-agency or branch place of business is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated nor shall an institution have the power to establish any branch bank branch office agency sub-office sub-agency or branch place of business unless in the case of a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by this act for the incorporation of such number of similar institutions as equal to the total number of its places of business including such branch bank branch office agency sub-office sub-agency or branch place of business excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand not more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the

Department and in the case of a private bank unless its net worth equals a minimum amount approved by the Department

If the Department shall approve the application of a private bank to establish a branch bank branch office agency sub-office sub-agency or branch place of business any person aggrieved by the action of the Department shall have the same right of appeal as is by this act provided in the case of the Department's approval of Article of Amendment to provide for the establishment by an incorporated institution of a branch bank branch office agency sub-office sub-agency or branch place of business

E An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this act if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive committee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board or directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 806 Advertisement [The] A Except as herein otherwise provided the incorporated institution shall advertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of incorporated institution Advertisement shall appear at least three days prior to the day upon which the articles of amendment are to be presented to the Department of State [,and] .

B If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the incorporated institution shall also advertise its intention to file articles of amendment with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State The incorporated institution shall also give written notice of its intention to file such articles of amendment with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The articles shall set forth briefly

(1) The name and location of the principal place of business of the incorporated institution

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) In the case of articles of amendment the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(5) The time when the articles of amendment will be filed with the Department of State

Section 808 Approval of Articles of Amendment by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles of amendment from the Department of State conduct such examination as it may deem necessary to ascertain from the best sources of information at its command whether such amendment or amendments will be lawful not injurious to the community and in accordance with the purposes of the articles of incorporation If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the Department of Banking shall also conduct a hearing which may be attended by the officers directors or counsel of any institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The Department of Banking shall give written notice of the time and place of such hearing not less than ten days prior thereto to every institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The costs of such examination and any other charges of the Department of Banking bearing upon law for assessments by the Department of Banking of the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by costs of examinations or other charges

B. Within thirty days after the receipt of the articles of amendment from the Department of State but in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to

the county in which the principal place of business of the incorporated institution is located not prior to the date fixed for the hearing required by this section the Department of Banking shall upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State If the purpose of the amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business and if the Department of Banking shall approve such amendment any person aggrieved by the action of the Department of Banking in approving the articles of amendment may appeal to the court of common pleas of the county in which it is proposed to establish such branch bank branch office agency sub-office sub-agency or branch place of business The court shall hear such appeal promptly and shall decide the matter upon its merits The court shall send to the Department of Banking a certified copy of its order

C If the Department of Banking disapproves the articles of amendment it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the incorporated institution of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking in disapproving any articles of amendment shall be conclusive and not subject to any review

Section 1404 Advertisement [The] A Except as herein otherwise provided the incorporated institution or the national banking association shall advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of surviving or new incorporated institution Advertisements shall appear at least three days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State [and]

B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the incorporated institution or national banking association shall also advertise its intention to file artcles of merger or articles of consolidation as the case may be with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State The incorporated institution or national banking association shall also give written notice of its intention to file such articles of merger or such articles of consolidation with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The articles of merger or articles of consolidation shall set forth briefly

(1) The name and the location of the principal place of business of each of the constituent corporations intending to merge or consolidate

(2) The name and the location of the principal place of business of the surviving or new incorporated institution

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving or new incorporated institution

(5) In the case of articles of merger or articles of consolidation the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located a statement that written notice of the intention to file articles of merger or articles of consolidation with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(6) The time when the articles of merger or consolidation will be delivered to the Department of State

Section 1406 Approval of Articles of Merger or Consolidation by Department of Banking A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger or articles of consolidation conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving or new incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the consolidation or merger is made for legitimate purposes

(3) Whether the interests of the depositors or other creditors and in the case of a bank a bank and trust company or trust company the shareholders are adequately protected

(4) Whether the surviving or new incorporated institution meets all the requirements of this act and violates none of its prohibitions applicable to a bank bank and trust company trust company or a savings bank as the case may be incorporated under this act

(5) Whether where a national banking association is one of the parties of the merger or consolidation it has complied with the requirements of the laws of the United States

B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the Department of Banking shall also conduct a hearing which may be attended by the officers directors or counsel of any institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The Department of Banking shall give written notice of the time and place of such hearing not less than ten days prior thereto to every institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

[B] C Within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State but in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the new or surviving incorporated institution is to be located not prior to the date fixed for the hearing required by this section the Department of Banking shall upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business and if the Department of Banking shall approve such articles any person aggrieved by the action of the Department of Banking in approving the articles of merger or articles of consolidation may appeal to the court of common pleas of the county in which

it is proposed to establish such branch bank branch office agency sub-office sub-agency or branch place of business The court shall hear such appeal promptly and shall decide the matter upon its merits The court shall send to the Department of Banking a certified copy of its order

[C] D If the Department of Banking disapproves the articles of merger or the articles of consolidation it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the corporations desiring to merger or consolidate of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 2 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. BAINE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2513 entitled

An Act providing for the incorporation, as bodies corporate and politic of "Authorities" for counties, defining the same, prescribing the rights, powers and duties of such authorities to acquire, construct, improve, maintain and operate subjects and to borrow money and issue bonds therefor, providing for the payment of such bonds, and prescribing the rights of the holders thereof, conferring the right of eminent domain on such authorities, authorizing such Authorities to enter into contrats with and to accept grants from the Federal government or any agency thereof; and for other purposes.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. CHERVENAK. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 910 entitled:

An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred and nine) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Kane,	Reynolds,	Weidemann,
Cohen,	Kelder,	Rhys,	Weiss,
Coleman,	Kelso,	Rinn,	Welliver,
Condon,	Kilroy,	Roan,	Welsh,
Conner,	Kinney,	Robinson,	Westrick,
Coolahan,	Klingler,	Rooney,	White,
Cordier,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1869 entitled:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements; defining the powers and duties of the Department of Highways and the Water and Fower Resources Board; authorizing political sub-divisions, persons, copartnerships, associations, corporations and the Board of Fish Commissioners to contribute to the cost of the construction, maintenance and repair of any such dam; providing for acceptance by agencies of the Commonwealth of gifts and lease of lands; and making appropriations from the Motor License Fund and the Fish Fund.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2663 entitled:

An Act to amend section four hundred and three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring insurance companies of another State or a foreign county to file with the Department of Revenue a list of policyholders resident in this Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Ferko,	McCreary,	Shreiner,
Alexander,	Finnerty,	McDermott,	Shugarts,
Allen,	Fitch,	McDevitt,	Siegel,
Altenburg,	Flanagan,	McElroy,	Simon,
Andrews,	Flinchbaugh,	McHenry,	Simpson,
Arnold,	Flynn,	McKinney,	Sinwell,
Atkins,	Forrest,	Melchiorre,	Sloan,
Aukerman,	Furman,	Mentzer,	Smith, J. A.,
Baine,	Gates,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gillette,	Mooney,	Snyder, J. L.,
Baldi,	Green,	Moore,	Sowers,
Barber,	Greenstein,	Moran,	Spangler,
Barnhardt,	Habbyshaw,	Moul,	Sproul,
Bernhard,	Haberlen,	Muir,	Stank,
Blumberg,	Hagerty,	Munley,	Stevens,
Boose,	Haluska,	Murrin,	Stewart,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hirsch,	Pearson,	Tumelty,
Cannon,	Hoffner,	Perry,	Turner,
Caputo,	Holland,	Peters,	Van Allsburg,
Carr,	Holstrom,	Pfaff,	Van Sickle,
Carson,	Hoopes,	Phillips,	Walker,
Castor,	Horst,	Piole,	Wall,
Chervenak,	Jackson,	Powers,	Wasserman,
Coakley,	Jones,	Reising,	Weidemann,
Cochran,	Kane,	Reynolds,	Weiss,
Cohen,	Kelder,	Rhys,	Welliver,
Coleman,	Kelso,	Rinn,	Welsh,
Condon,	Kilroy,	Roan,	Westrick,
Conner,	Kinney,	Robinson,	White,
Coolahan,	Klingler,	Rooney,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zappala,
Duffort,	Male,	Schwartz,	Zimmerman,
Eberharter,	Mallen,	Shaw,	Sarig,
Eroe,	Mason,	Shepard,	
Falkenstein,		Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2664 entitled:

An Act to amend section one of the act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws seven hundred and twenty-three) entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth providing the method of collection of such tax and imposing penalties" by extending the act to include the payment of premiums to foreign insurance companies ceasing to be registered with the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Finnerty,	McDevitt,	Shreiner,
Allen,	Fitch,	McElroy,	Shugarts,
Altenburg,	Flanagan,	McHenry,	Siegel,
Andrews,	Flinchbaugh,	McKinney,	Simon,
Arnold,	Flynn,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tahl,
Brownfield,	Hermansen,	Patterson, J. W.,	Terry,
Brumbaugh,	Hetrick,	Pearson,	Tronzo,
Burke,	Hirsch,	Perry,	Trout,
Cannon,	Hoffner,	Peters,	Tumelty,
Caputo,	Holland,	Pfaff,	Turner,
Carr,	Holstrom,	Phillips,	VanAllsburg,
Carson,	Hoopes,	Piole,	VanSickle,
Castor,	Horst,	Powers,	Walker,
Chervenak,	Jackson,	Reising,	Wall,
Coakley,	Kane,	Reynolds,	Wasserman,
Cochran,	Kelder,	Rhys,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Roan,	Welliver,
Condon,	Kinney,	Robinson,	Welsh,
Conner,	Klinger,	Rooney,	Westrick,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Decker,	Linderman,	Ruth,	Winner,
Denning,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2525, as follows:

An Act to further amend sections one hundred two five hundred eleven five hundred twelve and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle imposing cancellation fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one hundred two five hundred eleven five hundred and twelve and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five) entitled "An act relating and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authoritits to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second of June one thousand nine hundred thirty-one (Pamphlet Laws eight hundred fifteen) are hereby further amended to read as follows

Section 102 Definitions

The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a diffrent meaning

"Cleat" Any projection block stud flange or any other protuberance of any material other than rubber which projects beyond the outside surface of the periphery of the wheels of a tractor

"Dealer" Any person firm or association engaged in the business of manufacturing or in the purchase and sale of tractors or trailers and who has an established place of business

"Department" The Department of Revenue of this Commonwealth

"Guide Band" Any flange affixed to the center line of the outside surface of the periphery of the front or guiding wheels of a tractor

"Highway" Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons colleges universities or other institutions

"Magistrate" A mayor burgess magistrate alderman justice of the peace or other officer having the powers of a committing magistrate

"Operator" Every person who is in actual physical control of a tractor

"Operator's License" The license issued to any person to operate a tractor

"Owner" A person who is the legal owner of a tractor or trailer or in the event the tractor or trailer is subject to an agreement for the conditional sale or lease thereof or other like agreement with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested by the conditional vendee or lessee shall be deemed the owner for the purpose of this act

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania State Police State Highway Patrolman or other police officer vested with authority of arrest

"Person" Every natural person firm copartnership association or corporation

"Secretary" The Secretary of Revenue of this Commonwealth

"State" A State territory organized or unorganized or district of the United States of America

"Trailer" Every vehicle wagon or truck drawn by a tractor for hauling material or freight of any kind excepting water and fuel tanks roadgraders stone-crushers sawmills concrete mixers and agricultural equipment not self-propelled

"Tractor" Every vehicle of the tractor type which is self-propelled excepting power shovels road rollers concrete mixers ditch diggers or vehicles used exclusively upon stationary rails or tracks provided That for the purpose of sections six hundred and seven (a) six hundred and seven (c) six hundred and eight (a) six hundred and ten and six hundred and twelve of this act power shovels road rollers concrete mixers and other equipment exempt from registration under article two of this act moved over any highway under their own power shall be deemed a tractor

"Vehicle" Every device in upon or by which any person or property is or may be transported or drawn or which may draw devices upon a highway excepting devices used exclusively upon stationary rails or tracks provided That for the purpose of sections five hundred and eleven and five hundred and twelve (d) of this act power shovels road rollers concrete mixers and other equipment exempt from registration under article two of this act moved over any highway under their own power shall be deemed a vehicle

Section 511 Special Hauling Permits

The fee for a special hauling permit shall be five ($5) dollars [and] plus two ($0.02) cents [per] for each ton of two thousand (2,000) pounds or fraction thereof of gross weight of vehicle or combination of vehicles or vehicle and load or combination of vehicles and their load or loads for each mile or fraction thereof of length of haul payable to the authorities issuing such permit The fee for canceling an unused special hauling permit shall be one ($1) dollar payable to and upon the approval of the authorities issuing the permit

Section 610 Permits for Excessive Size and Weight

The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may at their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a tractor or trailer or a combination of both with or without load or loads of a size [and] or weight exceeding the maximum speci-

fied in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules [and] regulations [and any other] conditions or restrictions [including] as shall be deemed necessary by the authority granting such permit The movement of any vehicle or load requiring a permit shall impose the obligation on the [part of the] permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not [the same was] such damage may be attributable to negligence on the part of the permittee [as shall be] [deemed necessary by the authorities granting such permit] Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways of this Commonwealth or to any person having collision with or suffering injury from such [the] tractor or trailer

Penalty Any person operating or moving a tractor or trailer and its load of a size or weight exceeding the maximum specified in this act without first having obtained a permit or permits so to do shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 512 Exemptions From Fees

(a) No fee shall be charged for the registration of tractors and trailers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of the Commonwealth (e) hospital or any duly authorized volunteer fire force but all such vehicles except those owned and used by the Federal Government shall be registered and shall display registration plates as this act provides for privately owned tractors and trailers

(b) No fee shall be required for replacement or substitution of registration card registration plate or operator's licenses when satisfactory proof is furnished the secretary of loss of same in the mails

(c) No fee shall be charged for certified copy or certified photostat copy of any department record furnished to Federal State county or municipal authorities

(d) No fee shall be charged for special hauling permits issued to this Commonwealth or any city borough incorporated town township county poor or school district of this Commonwealth or anyone entitled to exemption from fees under section five hundred and twelve (a) of this act or to anyone hauling equipment or materials for use on a Federal or State Emergency Relief Project

(e) No fee shall be required for transfer of registration for the succeeding year when such transfer has been received and completed by the department prior to January first of such succeeding year

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. DIEHL. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 700, entitled:

An Act to amend section one of the act approved the twenty-first day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred sixteen) entitled "A supplement to the act 'An act relating to roads highways and bridges'" providing for the vacation of certain roads used and maintained as public roads where the records fail to show how such roads were created or became public roads

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Harkins,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	VanAllsburg,
Carson,	Holstrom,	Phillips,	VanSickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Kane,	Reynolds,	Weidemann,
Cohen,	Kelder,	Rhys,	Weiss,
Coleman,	Kelso,	Rinn,	Welsh,
Condon,	Kilroy,	Roan,	Westrick,
Conner,	Kinney,	Robinson,	Wheeler,
Coolahan,	Klinger,	Rooney,	White,
Cordier,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 894 entitled:

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting martial relations prescribing grounds and regulating proceedings for divorce and the anulment of bigamous marriages and amending revising and consolidating the law relating thereto" further regulating the jurisdiction of the courts in divorce actions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Finnerty,	McDermott,	Shortz,
Alexander,	Fitch,	McDevitt,	Shreiner,
Allen,	Flanagan,	McElroy,	Shugarts,
Altenburg,	Flinchbaugh,	McHenry,	Siegel,
Andrews,	Flynn,	McKinney,	Simon,
Arnold,	Forrest,	Melchiorre,	Simpson,
Atkins,	Furman,	Mentzer,	Sinwell,
Aukerman,	Gates,	Merrell,	Sloan,
Baine,	Gerard,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gillette,	Mooney,	Smith, W. G.,
Baker, J. J.,	Green,	Moore,	Snyder, F. E.,
Baldi,	Greenstein,	Moran,	Snyder, J. L.,
Barber,	Habbyshaw,	Moul,	Sowers,
Barnhardt,	Haberlen,	Muir,	Spangler,
Bernhard,	Hagerty,	Munley,	Sproul,
Blumberg,	Haluska,	Murrin,	Stank,
Boose,	Hamilton, F. P.,	Nagel,	Stevens,
Boyd, R.,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stockham,
Bradley,	Harmuth,	Ominsky,	Stone,
Brancato,	Hart,	O'Neill,	Stott,
Brennan,	Hartman,	Panton,	Sumney,
Brown, H. S.,	Hefferon,	Parks,	Surface,
Brown, J. E.,	Hermansen,	Patterson, C.,	Tahl,
Brownfield,	Hetrick,	Patterson, J. W.,	Terry,
Brumbaugh,	Hirsch,	Pearson,	Tronzo,
Burke,	Hoffner,	Perry,	Trout,
Cannon,	Holland,	Peters,	Tumelty,
Caputo,	Holstrom,	Pfaff,	Turner,
Carr,	Hoopes,	Phillips,	VanAllsburg,
Carson,	Horst,	Piole,	VanSickle,
Castor,	Jackson,	Powers,	Walker,
Chervenak,	Jones,	Reising,	Wall,
Coakley,	Kane,	Reynolds,	Wasserman,
Cochran,	Kelder,	Rhys,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Roan,	Welliver,
Condon,	Kinney,	Robinson,	Welsh,
Conner,	Klinger,	Rooney,	Westrick,
Coolahan,	Kobelak,	Root,	White,
Decker,	LaRue,	Ruffennach,	Wickersham,
Denning,	Linderman,	Ruth,	Winner,
Dent,	Long,	Sarraf,	Witkin,
Diehl,	Longaker,	Scanlon,	Wood,
Dilley,	Lovett,	Schrock,	Woodside,
Downey, G. E.,	Lynch,	Schrope,	Yeakel,
Downey, J. J.,	Male,	Schwab,	Yourishin,
Duffort,	Mallen,	Schwartz,	Zappala,
Eberharter,	Mason,	Shaw,	Zimmerman,
Eroe,	McCreary,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1903 entitled:

An Act providing for the assessment of costs and expenses of owners and tenants of property which it has been proposed to condemn under the right of eminent domain when the proposed condemnation has been recinded or abandoned

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	VanAllsburg,
Carson,	Holstrom,	Phillips,	VanSickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Kane,	Reynolds,	Weidemann,
Cohen,	Kelder,	Rhys,	Weiss,
Coleman,	Kelso,	Rinn,	Welliver,
Condon,	Kilroy,	Roan,	Welsh,
Conner,	Kinney,	Robinson,	Westrick,
Coolahan,	Klinger,	Rooney,	White,
Cordier,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2336 entitled:

An Act relating to the admissibility in evidence of the sale price of property in the vicinity of land taken in eminent doman proceedings under certain conditions and regulating procedure for ascertaining these conditions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Finnerty,	McDermott,	Shortz,
Alexander,	Fitch,	McDevitt,	Shreiner,
Allen,	Flanagan,	McElroy,	Shugarts,
Altenburg,	Flinchbaugh,	McHenry,	Siegel,
Andrews,	Flynn,	McKinney,	Simon,
Arnold,	Forrest,	Melchiorre,	Simpson,
Atkins,	Furman,	Mentzer,	Sinwell,
Aukerman,	Gates,	Merrell,	Sloan,
Baine,	Gerard,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gillette,	Mooney,	Smith, W. G.,
Baker, J. J.,	Green,	Moore,	Snyder, F. E.,
Baldi,	Greenstein,	Moran,	Snyder, J. L.,
Barber,	Habbyshaw,	Moul,	Sowers,
Barnhardt,	Haberlen,	Muir,	Spangler,
Bernhard,	Hagerty,	Munley,	Sproul,
Blumberg,	Haluska,	Murrin,	Stank,
Boose,	Hamilton, F. P.,	Nagel,	Stevens,
Boyd, R.,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stockham,
Bradley,	Harmuth,	Ominsky,	Stone,
Brancato,	Hart,	O'Neill,	Stott,
Brennan,	Hartman,	Panton,	Sumney,
Brown, H. S.,	Hefferon,	Parks,	Surface,
Brown, J. E.,	Hermansen,	Patterson, C.,	Tahl,
Brownfield,	Hetrick,	Patterson, J. W.,	Terry,
Brumbaugh,	Hirsch,	Pearson,	Tronzo,
Burke,	Hoffner,	Perry,	Trout,
Cannon,	Holland,	Peters,	Tumelty,
Caputo,	Holstrom,	Pfaff,	Turner,
Carr,	Hoopes,	Phillips,	VanAllsburg,
Carson,	Horst,	Piole,	VanSickle,
Castor,	Jackson,	Powers,	Walker,
Chervenak,	Jones,	Reising,	Wall,
Coakley,	Kane,	Reynolds,	Wasserman,
Cochran,	Kelder,	Rhys,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Roan,	Welliver,
Condon,	Kinney,	Robinson,	Welsh,
Conner,	Klinger,	Rooney,	Westrick,
Coolahan,	Kobelak,	Root,	White,
Decker,	LaRue,	Ruffennach,	Wickersham,
Denning,	Linderman,	Ruth,	Winner,
Dent,	Long,	Sarraf,	Witkin,
Diehl,	Longaker,	Scanlon,	Wood,
Dilley,	Lovett,	Schrock,	Woodside,
Downey, G. E.,	Lynch,	Schrope,	Yeakel,
Downey, J. J.,	Male,	Schwab,	Yourishin,
Duffort,	Mallen,	Schwartz,	Zappala,
Eberharter,	Mason,	Shaw,	Zimmerman,
Eroe,	McCreary,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2067 entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act appproved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitmnt of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of mental patients and imposing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz.

YEAS—201

Achterman,	Ferko,	McDermott,	Shortz,
Alexander,	Fitch,	McDevitt,	Shreiner,
Allen,	Flanagan,	McElroy,	Shugarts,
Altenburg,	Flinchbaugh,	McHenry,	Siegel,
Andrews,	Flynn,	McKinney,	Simon,
Arnold,	Forrest,	Melchiorre,	Simpson,
Atkins,	Furman,	Mentzer,	Sinwell,
Aukerman,	Gates,	Merrell,	Sloan,
Baine,	Gerard,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gillette,	Mooney,	Smith, W. G.,
Baker, J. J.,	Green,	Moore,	Snyder, F. E.,
Baldi,	Greenstein,	Moran,	Snyder, J. L.,
Barber,	Habbyshaw,	Moul,	Sowers,
Barnhardt,	Haberlen,	Muir,	Spangler,
Bernhard,	Hagerty,	Munley,	Sproul,
Blumberg,	Haluska,	Murrin,	Stank,
Boose,	Hamilton, F. P.,	Nagel,	Stevens,
Boyd, R.,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stockham,
Bradley,	Harmuth,	Ominsky,	Stone,
Brancato,	Hart,	O'Neill,	Stott,
Brennan,	Hartman,	Panton,	Sumney,
Brown, H. S.,	Hefferon,	Parks,	Surface,
Brown, J. E.,	Hermansen,	Patterson, C.,	Tahl,
Brownfield,	Hetrick,	Patterson, J. W.,	Terry,
Brumbaugh,	Hirsch,	Pearson,	Tronzo,
Burke,	Hoffner,	Perry,	Trout,
Cannon,	Holland,	Peters,	Tumelty,
Caputo,	Holstrom,	Pfaff,	Turner,
Carr,	Hoopes,	Phillips,	VanAllsburg,
Carson,	Horst,	Piole,	VanSickle,
Castor,	Jackson,	Powers,	Walker,
Chervenak,	Jones,	Reising,	Wall,
Coakley,	Kane,	Reynolds,	Wasserman,
Cochran,	Kelder,	Rhys,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Roan,	Welliver,
Condon,	Kinney,	Robinson,	Welsh,
Conner,	Klinger,	Rooney,	Westrick,
Coolahan,	Kobelak,	Ruffennach,	White,
Cordier,	LaRue,	Ruth,	Wickersham,
Denning,	Linderman,	Sarraf,	Winner,
Dent,	Long,	Scanlon,	Witkin,
Diehl,	Longaker,	Schrock,	Wood,
Dilley,	Lovett,	Schrope,	Woodside,
Downey, G. E.,	Lynch,	Schwab,	Yeakel,
Downey, J. J.,	Male,	Schwartz,	Yourishin,
Duffort,	Mallen,	Shaw,	Zappala,
Eberharter,	Mason,	Shepard,	Zimmerman,
Eroe,	McCreary,		Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1875 entitled:

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction alteration or repairs of any public work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz.

YEAS—201

Achterman,	Ferko,	McDermott,	Shortz,
Alexander,	Finnerty,	McDevitt,	Shreiner,
Allen,	Fitch,	McElroy,	Shugarts,
Altenburg,	Flanagan,	McHenry,	Siegel,
Andrews,	Flinchbaugh,	McKinney,	Simon,
Arnold,	Flynn,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart.
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hefferon,	Parks,	Surface,
Brown, J. E.,	Hermansen,	Patterson, C.,	Tahl,
Brownfield,	Hetrick,	Patterson, J. W.,	Terry,
Brumbaugh,	Hindman,	Pearson,	Tronzo,
Burke,	Hirsch,	Perry,	Trout,
Cannon,	Hoffner,	Peters,	Tumelty,
Caputo,	Holland,	Pfaff,	Turner,
Carr,	Holstrom,	Phillips,	VanAllsburg,
Carson,	Hoopes,	Piole,	VanSickle,
Castor,	Horst,	Powers,	Walker,
Chervenak,	Jackson,	Reising,	Wall,
Coakley,	Kane,	Reynolds,	Wasserman,
Cochran,	Kelder,	Rhys,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Roan,	Welsh,
Condon,	Kinney,	Robinson,	Westrick,
Conner,	Klingler,	Rooney,	Wheeler,
Coolahan,	Kobelak,	Root,	White,
Decker,	LaRue,	Ruffennach,	Wickersham,
Denning,	Linderman,	Ruth,	Winner,
Dent,	Long,	Sarraf,	Witkin,
Diehl,	Longaker,	Scanlon,	Wood,
Dilley,	Lovett,	Schrock,	Woodside,
Downey, G. E.,	Lynch,	Schrope,	Yeakel,
Downey, J. J.,	Male,	Schwab,	Yourishin,
Duffort,	Mallen,	Schwartz,	Zappala,
Eberharter,	Mason,	Shaw,	Zimmerman,
Eroe,	McCreary,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2497 entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State Departments, commissions and officers; authorizing certain local public officers and State departments to collect fees for service rendered under this act providing penalties; and repealing certain acts and parts of acts," by providing for the licensing of secretaries of building and loan associations by the Department of Banking.

On the question,

Will the House agree to the bill on third reading?

Mr. SINWELL. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1, page 4, line 19, by inserting after the word "each" the following: "of"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 8, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 13th, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, May 13th, at nine o'clock Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 631.

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the the time limit heretofore prescribed by the act

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments

The Clerk read the amendments as follows:

Amend bill on page 3, by adding thereto sections 2 and 3 as follows:

Section 2 The payments herein required to be made to associations whose statements for the years one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four were not filed in time shall be made from moneys appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-five for aid to agricultural associations in accordance with law

Section 3 This act shall become effective June first one thousand nine hundred and thirty-five

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Kane,	Reynolds,	Weidemann,
Cohen,	Kelder,	Rhys,	Weiss,
Coleman,	Kelso,	Rinn,	Welliver,
Condon,	Kilroy,	Roan,	Welsh,
Conner,	Kinney,	Robinson,	Westrick,
Coolahan,	Klingler,	Rooney,	White,
Cordier,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 616.

An Act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 712.

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed registered and in active operation

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1815.

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses an dother receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended in which amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 817.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications

HOUSE BILL No. 965.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery

HOUSE BILL No. 826.

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred four) entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United State during the World War and afterward were enlisted or commissioned in the said National Guard" making such continuity of service effective for qualificaton for service medals

HOUSE BILL No. 694.

An Act to amend section two of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresitent owners of motor vehicles operated within this Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended providing for the service of process upon the Secretary of Revenue by registered mail

HOUSE BILL No. 1645.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land

With information that the Senate has passed the same without amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 6, 1935.

Resolved (if the Senate concur), That House Bill No. 1383, Printer's No. 470, entitled "An act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class," be recalled from the Governor for further consideration.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 6, 1935.

Resolved (if the Senate concur), That House Bill No. 1885, Printer's No. 734, entitled "An act to amend section two hundred twenty-six of the act aproved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 6, 1935.

Whereas, The General Assembly during this session has been laboring for many weeks to enact an emergency tax program to provide funds for the State Emergency Relief Board, which, combined with Federal funds, are to be used to continue unemployment relief and thus relieve human suffering, and

Whereas, The State Emergency Relief Board recently received thousands of applications from various sections of the Commonwealth for the positions of Junior Visitors so that this force could be augmented to provide better control of relief expenditures and relief employment, and

Whereas, Last week these applications were checked over by the personnel department of the State Emergency Relief Board, and a large percentage of those applying have been notified that their applications have been rejected for various reasons, most of which were claimed to be due to having insufficient education and experience, and they were therefore not given even the opportunity of taking the written examination held May fourth (4th), and

Whereas, It was admitted under oath by the State Emergency Relief Board Personnel Director, at a hearing in Harrisburg last week, that applicants are not considered unless, in addition to being high school graduates, they have at least three (3) years schooling in the sacred profession of social service, or three (3) years experience in social service work, as a paid member of the staff of a recognized agency, in this most sacred fraternity which is enjoying an era of abundant prosperity while the remainder of our people are enduring poignant suffering either because of their necessity for relief or the overwhelming burden of taxation, or both, and

Whereas, This same Director of Personnel testified further to the effect that the required experience must have been acquired in teaching, public health nursing, boy scout or camp fire girl activities, social settlement work, etc., and that even though the applicant may have many years of experience either in operating his own business, or in being identified with commerce and industry, thus being equipped with generally recognized experience and good common sense, such experience, good common sense, and mature judgment is not recognized as acceptable background to take the examination for admittance to the sacred fraternity of social service adherents who, by their own admission and activities, are hoping to build up the

State Emergency Relief Board into a permanent well paid organization exclusively for members of the social service cult, and

Whereas, Many Members of the General Assembly, during the past few days, have received and heard complaints that many of their constituents, who, being in need of employment to provide needed income in their families, and possessed of good general experience, common sense and mature judgment, but lacking social service experience or education which is demanded as herein before stated, have been arbitrarily rejected without an opportunity for examination or personal interview, and

Whereas, Practically every Member of the General Assembly and especially those who are conducting investigations of relief activities in various sections of the Commonwealth are cognizant of the fact that the majority of present relief visitors are too young and lacking in general experience and mature judgment, and that by far the majority of these visitors and a large number of other State Emergency Relief Board administrative employees throughout the Commonwealth are members of wealthy families, or are at least members of families having very comfortable incomes from other sources, and

Whereas, Early in April in the face of almost complete suspension of works relief and threatened suspension of direct relief, and while His Excellency, the Governor of the Commonwealth, Members of the General Assembly, and other high officials, were sweating blood in an attempt to enact a tax program to keep thousands of families from starving, increases in salaries, ranging in some instances as high as forty-five (45) percentum, were made effective to these same visitors and administrative employees of the State Emergency Relief Board, which, as discovered by the Area four (4) Legislative Investigating Committee, will mean an increase in administrative cost in Area four (4) alone of over twenty-one thousand ($21,000) dollars per annum, or an increase of nineteen four tenths (19.4) percentum, affecting ninety (90) per centum of the employes, and

Whereas, This same scale of increase has probably become effective throughout the Commonwealth, therefore be it

Resolved, (if the Senate concur), that the Executive Director of the State Emergency Relief Board is immediately directed to

(A) Withhold all further employment of visitors and administrative personnel until all applications on file now or hereafter received, including all those received and accepted or rejected for the May fourth (4th) examination, have been carefully scrutinized by a committee in each County consisting of four (4) persons of recognized general business experience, good common sense, and mature judgment, but devoid of the prevalent social service complex. Two members of each such committee to be appointed by the Governor and two by the Judge of the Common Pleas Court in each County. Said committee shall determine by scrutiny of applications, preparations and grading of examinations where necessary, personal interview, and by all means need for employment in the family, who shall be eligible for employment by the State Emergency Relief Board. Said committee in each County shall select its chairman by a majority vote. three (3) members shall constitute a quorum, all matters shall be decided by a majority vote of those present, the committee shall meet at least once a week for the above purpose and each member shall receive five (5) dollars per week while so serving. Said committee in each County shall be furnished with necessary stenographic help and other service and expenses to carry out its functions by the local office of the State Emergency Relief Board, and when necessary said committee shall have the power to appoint other citizens of the County to serve in various needed capacities and such services by these citizens shall be rendered gratis. Said committee in each County shall within sixty (60) days after appointment carefully scrutinize all present or future administrative employees and visitors on the basis of qualifications and need for employment in their families and recommend whenever advisable.

(B) Prepare a blank form for the purpose of securing from all employees including present and future administrative employees, visitors and all other employees not on relief, a statement of facts, under oath, as to the income from every other source in the employee's family. This statement to be given with the application in the future and to be provided to the said committee in each County by all present employees within fifteen (15) days after appointment of said committees.

(C) Immediately remove any and all salary increases of administrative employees and visitors which have become effective since the opening day of this session of the Legislature, January first, nineteen hundred thirty-five, and be it further

Resolved, That the Speaker of the House of Representatives shall appoint three (3) Members of that Body, and the President Pro Tempore of the Senate shall appoint three (3 Members of that Body, who, with the Executive Director of the State Emergency Relief Board serving as a member and chairman, shall constitute a committee of seven to pass upon all future salary increases or changes and all other matters pertaining to the State Emergency Relief Board administration. Five (5) members of this committee shall constitute a quorum, and be it also further

Resolved That the General Assembly will pass during this session necessary legislation to carry out the various phases of this resolution and other matters necessary to see that all money expended by the State Emergency Relief Board is used to provide relief and employment in the greatest possible amount only to those families and individuals in need of help.

BILL INTRODUCED AND REFERRED

By Mr. COHEN. HOUSE BILL No. 2827.

An Act to further amend section two of the act, approved the twentieth day of June, one thousand nine hundred nineteen (Pamphlet Laws, five hundred twenty-one), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by imposing a graduated tax and allowing further deductions.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 614. (HOUSE BILL No. 2828).

An Act to add section four hundred and forty-nine to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto," authorizing counties of the third class to appropriate money to county poor districts for hospital purposes.

Referred to the Committee on Counties.

SENATE BILL No. 1017. (HOUSE BILL No. 2829).

An Act relating to the Pennsylvania State Park at Erie authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants and to acquire by purchase or eminent domain private property rights or interests in respect to any lands within said park.

Referred to the Committee on Forestry.

SENATE BILL No. 1039. (HOUSE BILL No. 2830).

An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records.

Referred to the Committee on Cities.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HALUSKA. (Concurrent)

RESOLUTION No. 141.

In the House of Representatives, May 2, 1935.

Whereas, The policy of the administrators of unemployment relief is to refuse work relief to persons except such as are beneficiaries of direct relief; and

Whereas, Many conscientious citizens refuse to become beneficiaries of direct relief, and even though in want, are thus denied work to which they are entitled; therefore be it

Resolved, (if the Senate concur), That each city, borough, town and township is hereby urged to form a committee or committees which shall sit for the purpose of hearing applications of persons who are in need of employment and who are not receiving direct relief, and also of persons who are receiving direct relief, and who are able to secure part-time employment in industry, which if amplified with work relief would provide sufficient income to enable such persons to forego direct relief;

Resolved, That such committees shall be constituted as follows:

In each city the mayor of the city shall appoint two members of council, and the president of the board of school directors shall appoint two members of the school board, who together with the mayor of the city, shall constitute a committee of five. In any city the committee so constituted may appoint sub-committees composed of one member of the committee of five, and other persons by them selected who, in the public interest, will agree to serve without compensation in order to carry out the spirit and intent of this resolution.

In each borough and town the burgess shall appoint two members of the council and the president of the board of school directors shall appoint two members of the school board, who together with the burgess, shall constitute a committee of five.

In each township of the first class the president of the board of township commissioners shall appoint two township commissioners, and the president of the board of school directors shall appoint two members of the school board, who together with the president of the board of township commissioners, shall constitute a committee of five.

In townships of the second class, the president of the board of school directors shall appoint two members of the school board, who together with the chairman of the board of township supervisors shall constitute a committee of three.

Resolved, That the committees constituted in accordance with this resolution be urged and requested to sit at least one day or one evening each week, to hear applications of persons desiring work relief and who come within the terms of this resolution, and shall have power to issue to persons who are deemed worthy, certificates, furnished by the State Emergency Relief Board, evidencing the belief that the holder thereof is entitled to employment, full time or part time, on any work relief project. No such certificate shall be denied to any person for the reason that he or she is not presently receiving direct relief, and no such certificate shall be issued to any person who in the opinion of any such committee is not entitled to work relief;

Resolved, That the State Emergency Relief Board and its agencies and those entrusted with the employment of persons on work relief projects be directed to cooperate with the committees constituted by this resolution and provide work to the fullest extent for the holders of certificates issued by such committees, and where work is available no such holder of a certificate shall be denied work for the reason that he is not a beneficiary of direct relief, or that he may be employed part time in industry;

Resolved, That no such committee shall hear applications of persons receiving direct relief unless the applicant is able to secure part time employment in industry, and is in need of additional income in order to forego direct relief;

Resolved, That the State Emergency Relief Board shall send such information as may be deemed advisable to each city, borough, town and township in this Commonwealth in order to bring into being the committees contemplated by this act:

Resolved, That a copy of this resolution be transmitted to the State Emergency Relief Board by the Chief Clerk of this House.

Referred to the Committee on Judiciary General.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Appropriations will meet tomorrow at 9.30 A. M. in room 326.

The Committee on Game will meet tomorrow at 9.30 A. M. in room 323.

The Committee on Judiciary General will meet tomorrow at 10.00 A. M. in room 325.

The Committee on Cities will meet tomorrow at 10.30 A. M. in room 323.

The Committee on Constitutional Amendments will meet tomorrow at 10.30 A. M. in room 326.

The Committee on Forestry will meet tomorrow at 10.30 A. M. in room 324.

The Committee on Banking will meet immediately after tomorrow morning's session in room 323.

The Committee on Public Utilities will meet tomorrow at 4.00 P. M. in room 521.

The Committee on Agriculture will not meet tomorrow.

The Committee on Elections will not meet tomorrow.

The Committee on Highways will not meet tomorrow.

The Committee on Judiciary Special will not meet tomorrow.

The Committee on Labor will not meet tomorrow.

The baseball game between the Republican and Democratic members of the House will be played on May 21st instead of May 14th. The weather is too cold for the elephant's trunk and the donkey's ears.

ADJOURNMENT

Mr. LOVETT. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11.00 A. M.

The motion was agreed to, and (at 11.55 P. M.) the House adjourned until Tuesday, May 7, 1935, at 11.00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, MAY 7, 1935 No. 58

SENATE

TUESDAY, May 7, 1935.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O, Thou God of all the earth, as we stand in Thy presence our minds cannot conceive Thy age or the sweep of time covered by Thy creative and sustaining power. With the psalmist of old we would exclaim, "Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth or ever Thou hadst formed the earth and the world, even from everlasting to everlasting Thou art God."

When we boast of the age of our world and point with pride to monuments commemorating the glory of past generations, may we be reminded that "a thousand years in Thy sight are but as yesterday when it is past and as a watch in the night."

How short is our span of human life. How brief the period allotted to us for service. As we are met here to plan for the happiness and well-being of multitudes of our citizens, may each member of this Senate seek the wisdom which cometh from on high. May what is done by them be to Thy glory and may the record made by this body constitute a bright page in the history of our Commonwealth. Lead us, inspire us, use us to work Thy will. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

PETITION

FAVORING SENATE BILL NO. 893.

Mr. RANKIN presented petition signed by forty members of the Fransohnian Musical Society of Sayre and Athens favoring Senate Bill No. 893.

Which was referred to the Committee on State Government.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 473 (Senate Bill No. 1249), entitled:

An Act to amend paragraph (a) one of section forty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "Fiduciaries Act of 1917," as amended, further defining the nature and kind of investments of trust funds to be made by fiduciaries.

Which was committed to the Committee on Banking.

House Bill No. 700 (Senate Bill No. 1250), entitled:

An Act to amend section one of the act approved the twenty-first day of April, one thousand eight hundred and forty-six (P. L. 416), entitled "A supplement to the act, 'An act relating to roads, highways and bridges providing for the vacation of certain roads used and maintained as public roads where the records fail to show how such roads were created or became public roads.'"

Which was committed to the Committee on Highways.

House Bill No. 894 (Senate Bill No. 1251), entitled:

An Act to amend section fifteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "Divorce Law," further regulating the jurisdiction of the courts in divorce actions.

Which was committed to the Committee on Judiciary General.

House Bill No. 910 (Senate Bill No. 1252), entitled:

An Act to further amend section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (P. L. 309), entitled "An act relating to damages for injuries producing death," by giving personal representatives the right to recover damages for hospital, nursing, medical and funeral expenses.

Which was committed to the Committee on Judiciary General.

House Bill No. 1612 (Senate Bill No. 1253), entitled:

An Act relating to the defense of alibi in criminal prosecutions.

Which was committed to the Committee on Judiciary General.

House Bill No. 1875 (Senate Bill No. 1254), entitled:

An Act authorizing political subdivisions to stipulate in specifications upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts, where such minimum wage stipulations are violated, and for the recovery of such penalties.

Which was committed to the Committee on State Government.

House Bill No. 1903 (Senate Bill No. 1255), entitled:

An Act providing for the assessment of costs and expenses of owners and tenants of property which it has been proposed to condemn under the right of eminent domain when the proposed condemnation has been rescinded or abandoned.

Which was committed to the Committee on Judiciary General.

House Bill No. 1987 (Senate Bill No. 1256), entitled:

An Act to amend section nine hundred and seven of article nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929" authorizing citizens to petition the Attorney General to appoint an attorney to supersede the district attorney in cerain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 2067 (Senate Bill No. 1257), entitled:

An Act to further amend paragraphs (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998), entitled "Mental Health Act of 1923."

Which was committed to the Committee on Public Health.

House Bill No. 2336 (Senate Bill No. 1258), entitled:

An Act relating to the admissibility in evidence of the sale price of property in the vicinity of land taken in eminent domain proceedings under certain conditions and regulating procedure for ascertaining these conditions.

Which was committed to the Committee on Judiciary General.

House Bill No. 2663 (Senate Bill No. 1259), entitled:

An Act to amend section four hundred and three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, seven hundred eighty-nine) entitled "Insurance Department Act of 1921," by requiring insurance companies of another State or a foreign country to file with the Department of Revenue a list of its policy-holders resident in this Commonwealth.

Which was committed to the Committee on Insurance.

House Bill No. 2664 (Senate Bill No. 1260), entitled:

An Act to amend section one of the act, approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven hundred and twenty-three), entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth; providing the method of collection of such tax, and imposing penalties," by extending the act to include the payment of premiums to foreign insurance companies ceasing to be registered with the Commonwealth.

Which was committed to the Committee on Insurance.

House Bill No. 2486 (Senate Bill No. 1261), entitled:

An Act to amend the act, approved the twentieth day of April, one thousand eight hundred seventy-four (Pamphlet Laws sixty-five), entitled "Municipal Indebtedness Law" as amended and supplemented, by clarifying the law relating to municipal financing, further defining the method of determining permitted and existing indebtedness; modifying and simplifying the procedure for incurring or increasing indebtedness, either with or without an election; reducing the period of time required for advertising elections and sales of bonds; providing for the private sale of bonds to the United States of America; and repealing conflicting acts and sections of acts.

Which was committed to the Committee on Municipal Government.

TIME OF NEXT MEETING

He also informed the Senate that the House had concurrred in Resolution from the Senate as follows:

In the Senate, May 6, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 13th, at nine o'clock; and that when the House of Representatives adjourns this week it reconvene Monday evening, May 13th, at nine o'clock, Eastern Standard Time.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 775.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 7, 1935.

Resolved (if the Senate concur), That House Bill No. 775 entitled:

An Act relating to the sale, delivery, weighing and importation of manure for mushroom growing; making certain practices in connection therewith misdemeanors, and fixing fines and penalties for the violation thereof; providing for the payment of such fines into the State Treasury; and requiring the Department of Agriculture to enforce the provisions of this act.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 631 RECALLED FROM THE GOVERNOR.

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 631 entitled:

An Act to amend sections five and six of the act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions: providing State aid for certain agricultural associations, and regulating the payment thereof," changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 638, entitled:

An Act to amend clauses (b) and (c) of section seven and section eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled "Real Estate Brokers License Act of 1929," as amended providing an expiration date of licenses defining the qualifications of applicants for licensure and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman conferring powers and duties upon the Department of Public Instruction in connection therewith and eliminating penalties for failure to renew

House Bill No. 694, entitled:

An Act to amend section two of the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within this Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, providing for the service of process upon the Secretary of Revenue by registered mail.

House Bill No. 817, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard," by including service in United States Navy or Marine Corps in preferred classifications.

House Bill No. 826, entitled:

An Act to amend section one of the act approved the seventeenth day of May, one thousand nine hundred and thirty-three (P. L. 804), entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard," making such continuity of service effective for qualification for service medals.

House Bill No. 965, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs, to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

House Bill No. 1645, entitled:

An Act authorizing the Department of Property and Supplies with the approval or the Governor, to sell and convey a certain plot of land.

House Bill No. 1815, entitled:

An Act to amend section five of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 437), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," providing that dishes, glasses, and other receptacles used in eating and drinking may be cleansed with any suitable cleansing material.

House Bill No. 1838, entitled:

An Act requiring cities to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year, except in emergency cases.

Senate Bill No. 520, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceeding and elections.

Senate Bill No. 560, entitled:

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens, one to be known as the general judgment or lien index or docket, and the other to be known as the in rem judgment or lien index or docket.

Senate Bill No. 616, entitled:

An Act providing for the abatement under certain circumstances of tax penalties and interest, on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class.

Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed.

Senate Bill No. 631, entitled:

An Act to amend sections five and six of the act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof," changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

RECONSIDERATION OF SENATE BILL NO. 4 RECALLED FROM THE GOVERNOR

Mr. BATCHELOR. Mr. President, I move that the Senate do not proceed to the consideration of Senate Bill No. 4, entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May, one thousand nihe hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing

certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," as requiring chiefs of police or boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to.

Mr. BATCHELOR. Mr. President, I move to reconsider the vote by which Senate Bill No. 4, passed finally.

The PRESIDENT. How did the Senator vote?

Mr. BATCHELOR. Mr. President, I voted "aye."

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON (Westmoreland). Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. BATCHELOR. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. BATCHELOR. Mr. President, I voted "aye."

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON (Westmoreland). Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. BATCHELOR. Mr. President, I ask unanimous consent to amend section 1, page 3, line 28 by striking out after the word "dogs" the following: "[temporarily imported for trial show and breed-]" and inserting in lieu thereof the following: "and dogs owned or used by the Board of;" also section 2, page 4, line 23 by inserting after the word "term" and before the words "'game bird'" the word: "domestic;" also page 4, line 24 by adding at the end of the line after the word "Commonwealth" the words: "which are kept in captivity;" also section 4, page 7, line 2 by inserting after the word "or" and before the words "game bird" the word: "domestic;" also page 7, line 22, by inserting after the word "or" and before the words "game bird" the word: "domestic"; also page 8, line 15 by inserting after the word "or" and before the words "game bird" the word: "domestic;" also page 8, line 21 by inserting after the word "or" and before the words "game birds" the word: "domestic;" also page 8, line 24 by inserting after the word "or" and before the words "game birds" the word: "domestic;" also page 10, line 10 by striking out at the beginning of the line before the word "owners" the word: "[the]" and inserting in lieu thereof the word: "The;" also page 10, line 19 by inserting after the word "or" and before the words "game bird" the word: "domestic;" also page 10, line 25, by inserting after the word "or" and before the words "game bird" the word "domestic"; also page 10, line 25, by striking out after the word "dogs" and before the word "rights" the following: "[th]" and inserting in lieu thereof the word: "the;" also page 10, line 26 by inserting after the word "or" and before the words "game bird" the word: "domestic;" also page 11, line 6 by inserting after the word "or" and before the words "game birds" the word: "domestic;" also page 11, line 15 by inserting after the word "poultry" and before the word "or" the words: "domestic game birds;" also page 11, line 17 by inserting after the word "or" and before the words "game birds" the word: "domestic."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

REPORTS FROM COMMITTEES

Mr. ARON from the Committee on Municipal Government, reported as committed, Senate Bill No. 1246, entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto, and imposing no municipal liability, existing or created at the time of the original acquisition of such water-works, by the issue of refunding bonds secured solely by liens, and imposing no municipal liability.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 900, entitled:

An Act to amend section nine of the act aproved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

MONTGOMERY COUNTY

Mrs. Rebecca R. Shelly, Norristown, May 12, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harisburg, May 6, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Louis M. Sachs, 1522 Centre Ave., Pittsburgh.
F. E. Shaughnessy, 7216 Kelly St., Pittsburgh.

LAWRENCE COUNTY

J. Clyde Gilfillan, New Castle.

MONROE COUNTY

Ralph W. E. Macnichol, Stroudsburg.

PHILADELPHIA COUNTY

Emanuel J. Carr, 5027 Baltimore Ave., Philadelphia.
Mrs. Anna R. McBride, S. E. Cor. Limekiln and Haines St., Philadelphia.
Byron A. Thalheimer, S. E. Cor. 5th and Olney Ave., Philadelphia.

SCHUYLKILL COUNTY

Joseph Boruch, Minersville.

UNION COUNTY

Benton E. Herrold, Lewisburg.

WESTMORELAND COUNTY

Frank K. McKlveen, Southwest, Greensburg.

ALLEGHENY COUNTY

John W. Ford, Koppers Bldg., Pittsburgh.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE,

That Rule 38 which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 1262 entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class.

Which was committed to the Committee on County Government.

Mr. NORTON read in his place and presented to the Chair Senate Bill No. 1263 entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Berks.

Which was committed to the Committee on Highways.

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 1264, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1265, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and

making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1266, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

QUESTION OF PERSONAL PRIVILEGE

Mr. HARRIS. Mr. President, I rise to a question of person privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, will state his question of personal privilege.

Mr. HARRIS. Mr. President, last night a resolution came hurriedly from the House; it was a lengthy resolution; it was read once; and I believe that the members of this body were unaware of its contents and its purpose. It was illy advised to act on it so hurriedly; it was the right of this body to protest against the immediate consideration, and that was not done; and I believe that that resolution did not have the consideration proper to a resolution of that length—as I understand, more than ten pages—involving one of the most important parts of this government, one of the most important things with which we have to deal,—the administration of relief.

It was an attack on the gentleman who is now the Executive Director of the State Emergency Relief Board. I hold no brief for this gentleman or for the Governor of Pennsylvania, but I do believe in fair play; and I believe that the gentleman who occupies that position has made a great sacrifice in coming to this State to take that position; and I believe that before this is acted upon finally by the Governor this gentleman should be given a hearing, to answer these charges.

RESOLUTION RELATIVE TO RECALLING FROM THE GOVERNOR CONCURRENT RESOLUTION, SERIAL NO. 198.

Mr. HARRIS. Mr. President, I ask unanimous consent to offer, at this time, a resolution recalling Concurrent Resolution, Serial No. 198, from the Governor.

The PRESIDENT. The Chair informs the Senator from Allegheny, that there is a serious parliamentary question there. This is a House resolution—that is, a concurrent resolution originating in the House, and the Chair does not know that the Senate has possession of the resolution.

Mr. HARRIS. Mr. President, it is a very close question, but to avoid any parliamentary discussion I move that the vote by which this resolution was passed by the Senate be reconsidered.

Mr. RODGERS. Mr. President, I would like to second that motion, if it is possible to bring the resolution back.

The PRESIDENT. Unfortunately, the resolution is not in the possession of the Senate, it having passed finally.

Mr. STAUDENMEIER. Mr. President, if the resolution was inadvertently, or without due and proper consideration, passed by the Senate, it is my opinion that the Chair, in the two rulings already made, is absoluttely correct; the only way this resolution can come back for consideration, either by the House or by the Senate, is to have a resolution introduced in the House asking for the recall of that resolution; but the Senate has absolutely no jurisdiction over the resolution,—it is in the hands of the Governor.

I am not speaking on the merits or demerits of the resolution, but in order that something of this type may not come on us sometime in the future I respectfully request the Senator from Allegheny, Mr. Harris, to endeavor to prevail upon some member of the House to introduce a resoution recalling the concurrent resolution in question from the Governor. I do not think there ought to be any difficulty along that line.

Mr. HARRIS. Mr. President, I desire to change my resolution to read that the concurrent resolution passed last night be recalled from the House.

The PRESIDENT. Does the Senator from Allegheny, Mr. Harris, know whether the resolution referred to is still in the possession of the House?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris permit himself to be interrogated?

Mr. HARRIS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Allegheny, Mr. Harris, revise his resolution so that it shall constitute a request on the part of the Senate that the House recall the concurrent resolution from the Governor?

Mr. HARRIS. Mr. President, if that is in order I shall be perfectly willing to accept the suggestion.

Mr. SHAPIRO. Mr. President, I think this Senate has a perfect right, having passed the resolution inadvertently, to place itself on record to that effect, and to request the House to introduce a resolution recalling the concurrent resolution from the Governor.

The PRESIDENT. Has the Senator from Allegheny, Mr. Harris, reframed his resolution?

Mr. HARRIS. Mr. President, for the time being I ask unanimous consent to withdraw my resolution, with the understanding that there will be an investigation made as to the proper manner of recalling this concurrent resolution from the Governor; and while I am on my feet I want to say definitely and frankly that I think this concurrent resolution reeks with politics; and it is my purpose, in bringing it back, to afford an opportunity to the members of this body to discuss it thoroughly. It was passed last night hurriedly and, as I said, before, illy advised. Now, I will prepare a proper resolution to bring it back to this floor for discussion; and for the time being I will ask unanimous consent to withdraw my resolution.

The PRESIDENT. Is there objection? The chair hears none, and the resolution is withdrawn.

STATE EMERGENCY RELIEF BOARD URGED TO CONTINUE DISTRIBUTION OF MILK

Mr. REED (Dauphin). Mr. President, I move that the Senate do now proceed to the consideration of House Resolution No. 31, which was reported from the Committee on State Government on April 30th.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the House of Representatives, January 28, 1935.

Whereas, Unemployment relief has heretofore generally been distributed by the State Emergency Relief Board in the form of food and clothing vouchers or orders and

Whereas, Many persons are of the opinion that such distribution should be in the form of direct or cash relief and

Whereas, That method of distribution is already in effect in the counties of Philadelphia and Allegheny and

Whereas, It is of paramount importance that milk be always available to the needy particularly to the ill and to children and

Whereas, The State Emergency Relief Board is able to procure milk more cheaply than destitute families can purchase it directly therefore be it

Resolved (if the Senate concur), by the General Assembly of the Commonwealth of Pennsylvania That the State Emergency Relief Board be urged to continue the direct distribution of milk without regard to the method or methods which may be adopted in the distribution of relief generally and be it further

Resolved, That a copy of this resolution be forwarded to the Director of the State Emergency Relief Board of this Commonwealth.

On the question,

Will the Senate agree to the resolution?

RESOLUTION RECOMMITTED

Mr. REED (Dauphin). Mr. President, some objections have been raised to this resolution in its present form; and I desire to move that this resolution be recommitted to the Committee on State Government for the purpose of amendment.

Mr. THOMPSON (Westmoreland). Mr. President. I second the motion.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 404 (House Bill No. 815), as follows:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assisstants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assisstants and employes of certain departments boards and commissions shall be determined" requiring certain qualifications for the Adjutant General and establishing a board for the determination and payment of minor damages caused by the National Guard

Section Be it enacted by the Senate and House of Representatives of the Commonwealth of Pensylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows:

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant Generals Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 2 That section one thousand four hundred and two of said act is hereby amended by adding thereto the following clause

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries occurring subsequent to July first one thousand nine hundred and thirty-one to persons or damages to property arising out of accident or negligence and incident to the organization training discipline maintenance and service of the Pennsylvania National Guard and upon the recommendation of the board so appointed to adjust and pay such claims for damages Provided however That each such claim shall be in an amount not exceeding two hundred and fifty dollars ($250) And provided further however That all claims paid hereunder shall be subject to audit by the Department of the Auditor General

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 426 (House Bill No. 819), as follows:

An Act to amend section five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensation for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonizing the act with Federal law

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections fourteen twenty-five thirty-six thirty-seven and forty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" are hereby amended to read as follows

Elimination and Disposition of Officers

Section 14 At any time the moral character capacity and general fitness for the service of any Pennsylvania National Guard officer may be determined by an efficiency board of three commissioned officers senior in rank if possible to the officer whose fitness for service shall be under investigation appointed by the Governor in case of general officers and departmental officers and the commanding general of the division in all other cases and if the findings of such board be unfavorable to such officer and be approved by the Governor he shall be discharged

Commissions of officers of the National Guard may be vacated (a) upon transfer to the Inactive National Guard [Reserve] (b) resignation (c) absence without leave for three months (d) upon the recommendation of an efficiency board (e) pursuant to sentence of a court-martial (f) if recourse has been had to the sureties on his bond in the settlement of his financial or property accounts or (g) if he has been convicted of an infamous crime

Enlistment Contract

Section 25 Every man enlisting in the Pennsylvania National Guard shall sign an enlistment contract and take and subscribe to the following oath of enlistment

"I ..... [born in ..... in the State of ..... aged .... years and .... months and by occupation a .....] do hereby acknowledge to have voluntarily enlisted this ....day of ..... 19.... as a soldier in the National Guard of the United States and of the State of Pennsylvania for a period of .... years under the conditions prescribed by law unless sooner discharged by proper authority and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of Pennsylvania and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the Governor of the State of Pennsylvania and the officers appointed over me according to law and the rules and Articles of War"

Armory Rent

Section 36 [The commanding officer of each] The rental of all armories and buildings not owned by the Commonwealth and occupied by any organization [excepting division brigade regimental squadron or battalion headquarters in addition to annual allowances provided for herein and under the same requirements and not occupying an armory owned by the Commonwealth] shall be paid by the State Treasurer upon properly itemized vouchers approved by the Adjutant General in the manner provided by law [an annual allowance of two hundred dollars ($200) by the Adjutant General in the usual manner said annual allowance to be devoted exclusively to the payment of rent of armory]

Horse Hire

Section 37 The payment of hire of horses [for such officers and enlisted men as are required to be mounted and for horses necessary for batteries of field artillery and for horses or mules as may be required for machine gun companies and for wagon transportation] or mules as may be necessary for use in the military service when in active service including camps of instruction combined camps practice marches parades maneuvers and other exercises when ordered by or under the authority of the Governor as Commander-in-Chief [shall not exceed two dollars ($2.00) per diem per horse or mule to be paid by the Adjutant General in the usual manner and upon properly itemized and duly approved vouchers] shall be made by the State Treasurer upon properly itemized vouchers approved by the Adjutant General in the manner provided by law

Relief for Disability Incurred in Active Service

Section 40 If any officer or enlisted man of the Pennsylvania National Guard is wounded or otherwise disabled or dies as a result of wounds or other disability received or contracted while [doing] performing duty in active service of the State or in the performance of other military duty under competent order or authority [for which duty a per diem rate of pay is paid] he or his dependents shall receive from the Commonwealth just and reasonable relief [in] the amount of compensation to be determined [by the Military Board] in accordance with the Workmen's Compensation Law of Pennsylvania

Section 2 That sections thirty-four and thirty-eight of said act as amended by section five of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 227) are hereby further amended to read as follows

Annual Appropriations

Section 34 [Organizations] Companies troops batteries detachments or similar organizations of the Pennsylvania National Guard except those of the Air Corps found upon examination of the reports made by an inspecting officer duly detailed for that purpose to be up to the standard required in strength drill discipline and efficiency shall receive in annual allowance the following money per annum which shall be used and expended solely for

military purposes and for the use and benefit of the organization For dismounted troops at the rate of ten dollars ($10) per man per year Provided That no organization shall receive less than a minimum sum of [five hundred dollars or more than a miximum sum of seven hundred and fifty dollars] two hundred dollars per year for mounted or motorized troops at the rate of fifteen dollars ($15) per man per year Provided that no such mounted or motorized organization shall receive less [per year] than a minimum sum of [seven hundred and fifty dollars and more than a maximum sum of one thousand dollars per year] three hundred dollars per year Such allowances shall be computed by the Adjutant General from the allotted strength of the unit [as reported on May thirty-first of each year] Newly organized units shall receive a pro rata share of the above-named allowance for the portion of the fiscal year [in which they are in service Provided That such allowance be] based on the actual strength of the organization at the time of its entrance into the service [the] The said allowance [to] shall be paid [by the Adjutant General in the usual manner to the commanding officer of the respective organization] in the usual manner on the usual lawful vouchers to that effect certified or approved by the unit and regimental or similar commanders but it shall be the duty of the Adjutant General before paying any of the said allowance [in money] to procure by purchase or otherwise and issue for each enlisted man not already provided therewith such articles of dress uniform and such articles of service uniform and equipment as are required for field service and also such mess tents kitchen tents [and] military stores and supplies required by the respective organizations not furnished and paid for out of Federal funds and charge the cost of same to the said annual allowance and the balance if any to be paid and disbursed as hereinafter provided Provided however That any regiment battalion squadron or company may at its own expense provide itself with other uniforms of such style and pattern as a majority of its officers may select and the Governor as Commander-in-Chief approve which uniform shall be the property of the organization or the individual members thereof No portion of any allowance made by the State to any organization shall be expended in procuring such special uniforms or in repairing or caring for the same No part of the annual allowances paid under the provisions of this act to the several organizations of the Pennsylvania National Guard shall be used in the purchase erection or construction of any armory unless the title thereto be vested in the Commonwealth]The commanding officer of each organization shall at such time as the Governor as Commander-in-Chief may direct make a return to the Adjutant General containing an itemized account and statement of all disbursements of the money appropriated and paid to said organization and not previously accounted for which account and statement shall be verified by the proper original vouchers for such disbursements this accounting to be] [made under and in acordance with such regulations as may be prescribed by the Commander-in-Chief] The Adjutnat General shall publish to all organizations a list of authorized expenditures and his decision as to whether any item shall be properly chargeable against these funds shall be final

Necessary Expenses of Headquarters

Section 38 The necessary military expenses of [general] division brigade regimental and separate battalion or similar headquarters including clerk hire and other actual outlays shall be paid [by the Adjutant General] in the usual manner on the usual lawful vouchers to that effect [duly sworn to or affirmed to] certified or approved by the commanding officer or the officers charged with the payment of the same such annual expenses except as hereinafter provided in no event to exceed [four thousand dollars ($4,000)] nine thousand dollars ($9,000) [per annum] for the division headquarters seven thousand dollars ($7,000) for the aviation headquarters [five hundred dollars ($500)] one thousand dollars ($1,000) for each brigade headquarters [fifteen hundred dollars ($1,500)] two thousand dollars ($2,000) for each regimental headquarters [five hundred dollars ($500) for each battalion headquarters and headquarters of trains] one thousand dollars ($1,000 for each headquarters of special troops and each headquarters of trains These allowances shall be augmented in the amount of ten thousand dollars per year which sum shall be apportioned by the Adjutant General to the various headquarters in proportion to the distances travelled between the respective headquarters and their subordinate units The Adjutant General shall publish to all organizations a list of authorized expenditures and his decision as to whether any item shall be properly chargeable against these funds shall be final

Section 3 That section nine of said act as amended by section two of the act approved the fifth day of March one thousand nine hundred and twenty-five (P. L. 14) is hereby further amended to read as follows

[Medical Department]

Uniform Allowance

Section 9 [The medical department shall consist of the medical corps the dental corps the veterinary corps and the enlisted men pertaining thereto The commissioned officers of the medical corps shall be proportionately distributed among the several grades and assigned to duty with troops in such number and of such grades as may comply with the rules and regulations promulgated in relation thereto The enlisted force of the medical department shall consist of such personnel as may conform as far as practicable to the enlisted personnel now or hereafter provided by law or regulations therefor Original enlistments for the medical department shall be made in the grade of private and re-enlistments and promotions of enlisted men therein shall be governed by such regulations as may be promulgated relating thereto] An annual allowance for the purchase of uniforms and equipment shall be made as follows For each officer and warrant officer of dismounted troops thirty dollars ($30) for each officer and warrant officer of mounted or motorized troops forty dollars ($40) Such allowance shall be paid to the officer or warrant officer concerned on an application approved by his commanding officer which shall include a certificate that he is provided with the required uniforms and equipment

Section 4 That section five of said act as amended by section one of the act approved the twenty-eighth day of April one thousand nine hundred and twenty-seven (P. L. 500) is hereby further amended to read as follows

Powers of the Governor

Section 5 The Governor of this Commonwealth as Commander-in-Chief shall have the power and is hereby authorized and directed to alter increase divide annex consolidate disband organize or reorganize any organization department corps or staff so as to conform as far as practicable to any organization system drill instruction corps or staff uniform or equipment or period of enlistment now or hereafter prescribed by the laws of the United States and the rules and regulations promulgated thereunder for the organization and regulation of the National Guard For that purpose the number of officers noncommissioned officers and enlisted men of any grade in any organization department corps or staff may be increased or diminished and the grade of such officers noncommissioned officers and enlisted men may be altered to the extent necessary to secure as far as practicable such uniformity Officers rendered surplus by either the disbandment consolidation or reorganization of their respective organizations may [shall] be placed in the Inactive National Guard [Reserve] or such officers may be held as supernumerary officers during the unexpired portion of their respective commissions at the sole discretion of the Governor as Commander-in-Chief and the period of time for which such officers are held as supernumerary may be included in computing the necessary length of service to entitle a commissioned officer to be placed upon the retired list

The Governor as Commander-in-Chief shall have power in case of war invasion insurrection riot or imminent danger thereof to increase the land forces of this Commonwealth and organize the same in accordance with the existing rules and regulations governing the armies of the United States as the exigency of the occasion may require and such organization and increase may be either

pursuant to or in advance of any call made by the president

The Governor may in his discretion place the National Guard or any part thereof on active duty when an invasion of the State or an insurrection in the State occurs or is threatened or when tumult riot or mobs shall exist or in imminence thereof

Section 5 That section thirty-two of said act as amended by section two of the act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred eight) is hereby further amended to read as follows

Pay of Officers and Men on Active Duty and State Service

Section 32 When the Pennsylvania National Guard or any part thereof is ordered on active duty by the Governor as Commander-in-Chief and pay is authorized for such duty under the order prescribing the performance thereof the commissioned officers and warrant officers so ordered shall be entitled to the same per diem pay and allowances and transportation in kind provided for in section thirty-one of this act as amended The grades of enlisted men shall be such as the Governor as Commander-in-Chief may from time to time direct and shall conform to the grades authorized in tables of organization for the National Guard published by the War Department When enlisted men are ordered on active duty as above prescribed their per diem pay shall be fifty cents in addition to the pay allowed by the Federal Govrenment Provided That the Federal pay of a private shall not be less than one dollar and a private of the first class one dollar and fifteen cents and in case the Federal Government shall at any time reduce its allowance for a private or a private of the first class below one dollar or one dollar and fifteen cents then the Commonwealth shall pay to such private or private of the first class an amount equal to the reduction below one dollar or one dollar and fifteen cents so that the total pay of the private or private of the first class shall be respectively one dollar and fifty cents and one dollar and sixty-five cents Under such regulations as the Governor as Commander-in-Chief may prescribe and conforming with tables of organization authorized for the National Guard by the War Department enlisted men of the sixth and seventh grades may be rated as specialists and receive the extra pay per diem allowed by the War Department for specialists Hereafter enlisted men shall receive an increase of [ten] five per centum of their base pay for every [five] three years of service in the National Guard or in the United States Army Navy or Marine Corps or for any two or more of these services combined Provided That such increase shall not exceed [forty] thirty per centum of their base pay All payments of per diem pay and service pay shall be made by the Adjutant General in the usual manner No deductions shall be made from the pay of officers or enlisted men in active service for dues or other financial obligations imposed by any by-laws rules or regulations of a civic character

Section 6 That section sixty of said act is hereby repealed

Section 7 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 683 (House Bill No. 1245), as follows:

An Act to amend sections four thousand one hundred and forty four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" restricting the right of cities to institute proceedings to declare certain properties nuisances and eliminating compensation to owners whose property is destroyed to abate nuisances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four thousand one hundred and forty four thousand one hundred and forty-one four thousand one hundred and forty-two and four thousand one hundred and forty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 4140 Petition for removal of nuisances Viewers The council of any city may by resolution authorize and empower the mayor of such city to present a petition to the court of common pleas of the county wherein such city is located setting forth that any property (other than a colliery and property connected therewith) building premises business or occupation specifying the same fully and describing the same accurately located within said city has become a public nuisance injurious or dangerous to the community and to the public health Upon the presentation and hearing of such petition if the nuisance complained of be not a nuisance per se then the court may appoint three viewers from the county board of viewers to go upon the premises where said nuisance is alleged to exist at a time to be fixed in the order appointing the same of which time due notice shall be given to all persons affected which shall be not less than twenty nor more than thirty days from the date of the order making such appointment and shall thereupon being first duly sworn view the property premises building business or occupation shall hear the parties their witnesses and council and shall make due report thereof to the court appointing them

Section 4141 Power of Viewers The viewers appointed as aforesaid may

First Determine Shall determine whether or not the property premises building business or occupation is a nuisance and if they shall find it is a nuisance shall so return in their award and

Second Find what if any compensation shall be paid by the said city to the owner or owners of said property premises building business or occupation for the abatement of the same and if the findings of the said viewers be in favor of the said city and direct the abatement of said nuisance then judgment shall be entered upon their award within thirty days after the same is filed unless the said award be appealed from or exceptions there to be filed within thirty days No execution or other process for the collection of any sum of money awarded to any person or persons corporation or corporations as compen-

sation for the abatement of any nuisance shall issue until the said nuisance has been fully and completely abated and return thereof made to the court

Section 4142 Appeals Any of the parties interested in any proceedings provided by the preceding two sections may appeal to the court of common pleas of the proper county within thirty days from the date of filing an award such appeal to be in the same form as now governs appeals from the awards of viewers appointed pursuant to this act to assess damages for property taken injured or destroyed the party appealing to pay the costs incurred and to give bond with one surety for the payment of all costs which may thereafter be incurred Upon such appeal being perfected the court shall frame an issue which issue shall be placed at the head of the next trial list then open and shall be tried by the court and jury in the same manner as feigned issues are now tried Upon such trial the jury shall have power to find the same facts as are provided may be found by the viewers If the jury shall find in favor of the city and award any compensation to the owner or owners of said property premises building business or occupation judgment shall be entered upon the verdict of a jury No execution or other process for the collection of such judgment shall issue until the nuisance complained of shall have been fully and completely abated and return thereof made to the court upon which the court shall have power to award execution or other process necessary to enforce the collection of the judgment

Section 4143 Abatement of Nuisance After Award by Viewers Whenever the award of viewers or the verdict of a jury shall find that a nuisance exists and the owner or owners of any property premises building business or occupation causing the same shall fail to abate the same within sixty days from the date of the findings of the viewers or the judgment in case of an appeal the authorities of said city shall have full power and authority to enter upon said property premises or building where said nuisance exists and abate the same and shall not be liable in any form of action for so doing The cost and expense of abating the same shall be deducted from any compensation awarded in said proceeding paid by the owner of the property and may be recovered by the city in an action of assumpsit

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, I wish to call to the attention of the members of this Senate that this bill that we are about to vote on is a very bad bill. It is an amendment to an existing law which is good; and the amendment destroys the original law, makes it a bad law.

This bill provides that when private property is destroyed because it has been declared a nuisance the owner of that property shall receive no compensation for the destruction of his property. Now, if the property to be destroyed has become a nuisance by reason of positive act of the owner, making the property a nuisance per se, I can see the logic of this proposed legislation; but where we have the case of a building which has existed for many years, let us say, and which was not a nuisance when erected, but, because of changes that have taken place, has changed its status—probably the place where it was erected ten years ago was an uninhabited place, with vacant lots about it, and over the course of time other buildings have been erected which make that building erected ten years ago a nuisance—I say if property of that kind is destroyed because it is declared a nuisance, the owner of that property should be compensated for the destruction of his property.

This bill would deny the owner of that property any compensation; and I say, because of that, it is a bad bill, and ought not to be passed by this Senate.

Mr. SHAPIRO. Mr. President, I should like to join in what the Senator from Fayette, Mr. Cavalcante, has stated in regard to this bill, and point out the fact that the vice, the effect of this bill comes from the fact that Section 4141, which appears on page 3 of the bill (Printer's No. 956), which gives the Board of View the right to give compensation in such cases, is eliminated from the proposed Act. It is apparently the purpose of the framers of this amendment—this is an amendment to an Act of 1931—was to give the city the right to collect directly for the cost of abating nuisances; there was no intent, apparently, to take away from the owner of the property which created the nuisance compensation for the taking of the property, but by eliminating the first paragraph and the second paragraph of Section 4141 of the Act. As the bill now stands it would have the effect of depriving the person who has property which is lawfully on a piece of ground but which, by virtue of subsequent events, has become a nuisance,—depriving him of his property without compensation; and for that reason I believe the bill should be referred back to the committee.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 683 (House Bill No. 1245), on third reading, be recommitted to the Committee on Municipal Government.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 751, as follows:

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties part of the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created in each county of this Commonwealth a County Assistance Board composed of five citizens two of whom shall be appointed by the Governor and two of whom shall be appointed by the courts of common pleas of the county The fifth member shall be the chairman of the board of county commissioners The appointed members of the board shall hold office for two years and until their successors are appointed and shall at all times be subject to removal by the appointing power The members of County Assistance Boards shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties Each County Assistance Board with the consent and approval of the county commissioners of the county shall have power to employ such experts clerks and assistants as may be deemed necessary to discharge the duties imposed by this act and to fix their compensation In counties of the fifth sixth seventh and eighth classes all persons so employed shall have been residents of the county at least two years prior to the time of their employment and no such expert clerk or assistant so employed in any of said counties shall receive a compensation in excess of one hundred and fifty

dollars ($150) per month shall not exceed an amount equal to five per centum of the moneys allocated to a board in any one month Such compensation and the other administrative expenses of a county assistance board shall be paid from funds allocated to the county for unemployment relief and by the county but not more than an amount equal to five per centum of the amount so allocated for any month shall be expended for salaries wages and other administrative expenses After the first day of January one thousand nine hundred and thirty-six one-third of the costs of administration of relief shall be paid by the several counties respectively and after the first day of September one thousand nine hundred and thirty-six one-half of such administration costs shall be paid by the county The county commissioners shall furnish to the County Assistance Board a suitable office or offices at the county seat the rental and expenses of operating which shall be deemed part of the administrative expense

Section 2 The County Assistance Boards created under this act shall supersede the local relief boards and agencies created by the State Emergency Relief Board for the distribution of unemployment relief

Section 3 The County Assistance Board in each county shall be the agency to expend under the direct supervision of the Governor money appropriated by the Commonwealth for unemployment relief and the moneys received from the Federal Government or any agency thereof for unemployment relief

All moneys hereafter appropriated by the Commonwealth for unemployment relief shall be appropriated to the Governor and all moneys received from the Federal Government or any agency thereof for relief and work relief shall be added to any appropriations made by the Commonwealth for such purposes and the Governor shall monthly allocate a portion of such moneys for expenditures in the several counties the monthly allocation to be reallocated to the various counties on a ratio that the estimated total number of unemployed persons in a county bears to the estimated total number of unemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry

Section 4 The Governor shall have power to employ a director of assistance and such other employes as he may deem necessary to perform the duties imposed upon him by this act He shall have power to require from each County Assistance Board such monthly or other periodic reports as he may deem necessary but each County Assistance Board shall be held responsible for the expenditure of unemployment relief and determine the amounts to be allowed to individuals and families entitled to unemployment relief County assistance boards shall also designate and approve all work relief projects within their respective counties and fix the amount to be expended thereon except such projects as are selected by some properly authorized agency of the State or Federal Government Moneys allocated for unemployment relief shall be expended only for food clothing fuel shelter medical and dental care and work relief for residents who are without means of support except that Federal moneys made available for aid to transients may be expended for such purposes

Section 5 The moneys paid to a County Assistance Board from time to time shall be paid into the county treasury for safe keeping and shall be paid out of the county treasury under such system of requisition and accounting as the County Assistance Board and the county treasurer of the county shall by agreement establish Any county treasurer may with the consent of the County Assistance Board appoint one or more clerks to assist him in the performance of his duties in receiving any paying out moneys and the compensation of such clerks or clerks shall be paid as part of the administrative expense of the County Assistance Board

Section 6 No unemployment relief shall be granted by any county assistance board except upon written application of the person applying therefor setting forth such information as the board may require Every application for relief filed with a board shall be acted upon within one week after the same is filed

Section 7 Any member or employe of any County Assistance Board who shall expend or authorize the expenditure of any money allocated to it under the provisions of this act for any purpose other than one authorized by this act or by law or who shall knowingly give or authorize the giving of aid under the provisions of this act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this act when he or she is not legally entitled thereto because he or she has means of support or any person who shall sell any order issued to him or her by a County Assistance Board for cash or part cash or other consideration or sell any food clothing or fuel received for cash or other consideration shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to imprisonment for a term of not more than six months or both at the discretion of the court

Section 8 The expenditures of County Assistance Boards shall be audited from time to time by the Auditor General in the same manner as other expenditures of Commonwealth moneys and copies of such audits shall be furnished to each board whose accounts have been audited and to the Governor The books papers records and documents of any county assistance board shall be open to inspection by taxpayers during business hours

Section 9 The act approved the nineteenth day of August one thousand nine hundred and thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" is hereby repealed

Section 10 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, I wish to call the attention of the Senate to the fact that this bill also is a very bad bill. It has no regard for the governmental agency that the people have already created within their respective counties for the handling of governmental matters. This bill, should it become an Act of Assembly, would create an altogether new agency in each county for the administration of relief. I can be heartily in accord with the proposition of permitting the Governor to select two members of this Board, and the Judges of the county two members; but then, in the selection of the fifth member, this bill provides that he shall be the Chairman of the Board of County Commissioners. Now, that may be perfectly all right in counties where the County Commissioners act as Poor Directors, but in counties where the Poor District is co-extensive with the county, then, I say, this bill is bad. The Poor Directors, who constitute the agency created by law for the purpose of handling matters of this nature, should be recognized in this new set-up; but this bill does not recognize them; and, I say, for that reason this bill is wrong. I contend that if there is to be a fifth member to this Board in counties where the Poor District is co-extensive with the county, the fifth member ought to be the Chairman of the Directors of the Poor, and not the Chairman of the County Commissioners.

Mr. LAW. Mr. President, I must take exception to the idea that the Chairman of the Poor Directors is the proper person to be the fifth member of this Board, because one

of the things we want to do is to separate the idea of relief from Poor Relief, and keep the people from getting the idea our relief situation is going to be a permanent thing. I cannot agree with the Senator from Fayette, Mr. Cavalcante.

However, I am opposed to this bill, in its present form, from another angle: I do not believe the Judges should be brought into it; I would rather see the Board composed of three members of the County Commissioners and two members appointed by the Governor, rather than as the bill is now drawn.

And the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Aron,	Ealy,	Norton,	Sordoni,
Batchelor,	Gelder,	Owlett,	Staudenmeier,
Baumer,	Graff,	Pierson,	Thompson,
Bean,	Harvey,	Prince,	(Centre)
Bennett,	Homsher,	Rankin,	Thompson,
Buckman,	Howell,	Rodgers,	(Westmoreland)
Chapman,	Hunsicker,	Salus,	Trainer,
Clark,	Mallery,	Shapiro,	Woodward,
Coyne,	McClure,	Sones,	Ziesenheim,

NAYS—16

Cavalcante,	Lanius,	Miller,	Reed,
Frey,	Law,	Pytko,	(Washington)
Harris,	McCreesh,	Reed,	Rice,
Huffman,	McGinnis,	(Dauphin)	Roberts,
Kahle,			Rupp,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 928 (House Bill No. 1082), on third reading, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

go over in its order.

The PRESIDENT. Is there objection?

Mr. McGINNIS. Mr. President, I desire to interrogate the Senator from Dauphin, Mr. Reed.

The PRESIDENT. Will the Senator from Dauphin, Mr. Reed, permit himself to be interrogated?

Mr. REED (Dauphin). Mr. President, I will.

Mr. McGINNIS. Mr. President, for what purpose does the Senator from Dauphin, Mr. Reed, want this bill to go over in its order?

Mr. REED (Dauphin). Mr. President, in answer to the Senator from Allegheny, Mr. McGinnis, I would say I am not satisfied with the bill in its present form. I know there are several matters that must be amended, because the brackets are not properly placed; and, also, it is not clear as to whether or not osteopaths would retain or be deprived of rights which they now have. My purpose is to consider amendments.

Mr. McGINNIS. Mr. President, very well.

The PRESIDENT. The Chair hears no objection, and the bill will go over in its order.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 407 (House Bill No. 851), entitled:

An Act to amend paragraphs one and two of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 681) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" altering qualification requirements for the award of such medals

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BENNETT. Mr. President, I ask unanimous consent to amend section 1, page 2, line 4, by striking out with heavy-faced brackets the word "summary" and insert in lieu thereof "summer;" also amend bill by adding the following: "Section 3. This act shall become effective on final passage."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

RESOLUTION REQUESTING THE HOUSE TO RECALL CONCURRENT RESOLUTION (SERIAL NO. 198) FROM THE GOVERNOR

Mr. HARRIS. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS offered the following resolution, which was twice read:

In the Senate, May 7, 1935.

Whereas, The Senate on Monday, May 6, 1935, concurred in a concurrent resolution, bearing Serial No. 198, inadvertently and without appreciating the full purport and effect of the said resolution, and

Whereas, It is the sense of the Senate that said resolution may have effects and consequences not intended either by the framers of the resolution or by the Senate when it so concurred, now therefore

Be it Resolved, That it is the sense of this Senate that said resolution should receive the careful and deliberate consideration of both the Senate and the House of Representatives, and for that purpose the House of Representatives be and is hereby respectfully requested to take proper and appropriate action to recall the said resolution from the Governor for the purpose aforesaid.

Mr. HARRIS. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to

an appropriate committee, be suspended and that the Senate do now proceed to the immediate consideration of the resolution just read.

Mr. PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. HARRIS and Mr. BUCKMAN, and were as follows, viz:

YEAS—45

Aron,	Graff,	Norton,	Rodgers,
Batchelor,	Harris,	Owlett,	Rupp,
Baumer,	Harvey,	Pierson,	Salus,
Bean,	Homsher,	Prince,	Shapiro,
Bennett,	Howell,	Pytko,	Sones,
Buckman,	Kahle,	Rankin,	Sordoni,
Chapman,	Law,	Reed,	Staudenmeier,
Clark,	Mallery,	(Dauphin)	Thompson,
Coyne,	McClure,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Woodward,
Gelder,	Miller,	Roberts,	Ziesenheim,

NAYS—5

Cavalcante,	Hunsicker,	Thompson,
Huffman,	Lanius,	(Centre)

So the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. BUCKMAN. Mr. President, I rise to a very short question of personal privilege.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his question of personal privilege.

Mr. BUCKMAN. Mr. President, The action which the Senate has just taken this morning on a resolution passed last night, to my mind, justifies a great many objections which I have made to immediate consideration by this Senate of resolutions either coming from this floor or from the House, without proper consideration. I have always considered it a mistake to have a long, important resolution read from the desk, and because some certain Senator, or some certain group of Senators, may be interested in it, to have unanimous consent given by this body and have it passed, and then to have to be ashamed of our action, and take some action to recall it.

I was requested last night not to object to the immediate consideration of this resolution, and I did not do so for that reason, but I shall be very chary in the future in permitting resolutions of this kind to be passed by unanimous consent without committee action.

Mr. THOMPSON (Centre). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON (Centre). In the consideration of this resolution last night, if I had not felt myself adequately informed as to the nature of the contents of the resolution, I can assure the Chair that I would either at that time have opposed immediate action, or would have voted "no."

The PRESIDENT. The Chair pauses to remark that every Senator in the Chamber acquiesced in the resolution last night.

BILL OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 661 (House Bill No. 862), on third reading, entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 698 (House Bill No. 1267), entitled:

An Act to repeal the act approved the first day of June one thousand nine hundred and fifteen (P. L. 665), entitled "An act authorizing boroughs to redeem outstanding bonds and for the purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 699 (House Bill No. 1268), entitled:

An Act to repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (P. L. 250), entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 797 (House Bill No. 1633), entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 805, entitled:

An Act making an appropriation to the George F. Geisinger Memorial Hospital, Danville, Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. BAUMER. Mr. President, I move that Senate Bill No. 864 House Bill No. 1776) on third reading, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An Act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commssions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto.

be recommitted to the Committee on State Government for the purpose of amendment.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 990 (House Bill No. 1631) on third reading, entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties

The PRESIDENT. Is there objection? The chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1150, entitled:

An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all soceties to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit socieities to report to and be supervised by the Insurance Commissioner and repealing existing laws

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

ANNOUNCEMENT

The PRESIDENT. The Chair wishes to announce to the members of the Senate that the new Secretary of Internal Affairs is now receiving in his office, and will be glad to meet all of the members of the Senate at their convenience —that includes the Republican members as well as the Democrats.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until 5 o'clock this afternoon.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

James D. Crawford, City-County Bldg., Pittsburgh.

BERKS COUNTY

Bernard S. Eesser, Esterly.

ERIE COUNTY

Foster E. Davis, Corry.

MONTGOMERY COUNTY

Clayton L. Brown, Jr., Norristown.

PHILADELPHIA COUNTY

Ernest Berry, 6070 Ridge Ave., PPhiladelphia.
Charles E. Kobb, 209 S. 3rd St., Philadelphia.

POTTER COUNTY

William Straitz, Galeton.

YORK COUNTY

Morgan Carnes, Craley.

GEORGE H. EARLE.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Arthur J. D. Koenig, of Allentown, Lehigh County, as Alderman of the Third Ward of the City of Allentown, Lehigh County, vice Guy R. Jones, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 685 (Senate Bill No. 1267), entitled:

An Act to amend the title and to reenact subsection (b) as amended, of section thirty-five of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "Fiduciaries Act of 1917," authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued.

Which was committed to the Committee on Judiciary General.

House Bill No. 1515 (Senate Bill No. 1268), entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as amended; by excluding certain brokers and agents.

Which was committed to the Committee on Municipal Government.

House Bill No. 1564 (Senate Bill No. 1269), entitled:

An Act to amend the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 903), entitled "A supplement to an act approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 312), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county, including assessment of property, levying and collection of taxes, making municipal improvements, and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws, and primary, general, municipal, and special elections; and repealing inconsistent laws," extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate.

Which was committed to the Committee on Municipal Government.

House Bill No. 1738 (Senate Bill No. 1270), entitled:

An Act to amend the title and sections one, two, three and four of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled "An act relating to domestic animals, and providing for their appraisement when about to be slaughtered to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," providing for the appraisement of condemned animals; denying compensation for dying and dead animals; regulating the disposition of appraised animals, the payment of salvage and the rendering of statements thereof; and empowering the Department of Agriculture to adopt rules and regulations.

Which was committed to the Committee on Agriculture.

House Bill No. 1816 (Senate Bill No. 1271), entitled:

An Act empowering cities of the first and second classes to levy, assess and collect, or to provide for the levying, assessment and collection, of an excise tax against electric light, heat and power companies, natural gas companies, artificial gas companies, water companies, telephone companies, steam heating companies, and taxicab companies, and certain individuals operating taxicabs

Which was committed to the Committee on Finance.

House Bill No. 1928 (Senate Bill No. 1272), entitled:

An Act providing for the administration of relief to the poor in cities of the first class by the Department of Public Welfare, and abolishing existing poor districts therein.

Which was committed to the Committee on Municipal Government.

House Bill No. 2216 (Senate Bill No. 1273), entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925" further regulating the establishment of nursery waters.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 2250 (Senate Bill No. 1274), entitled:

An Act providing for the payment from the General Fund to the Federal Government of certain moneys derived as net profits from Emergency Conservation Projects and lands acquired from the Federal Government.

Which was committed to the Committee on Forests and Waters.

House Bill No. 2296 Senate Bill No. 1275), entitled:

An Act to further amend section five of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" by providing for a tank regiment.

Which was committed to the Committee on Military Affairs.

House Bill No. 2301 (Senate Bill No. 1276), entitled:

An Act to amend section two of the act, approved the eleventh day of May, one thousand nine hundred and five (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," by providing for armories for the tank regiment of the Pennsylvania National Guard.

Which was committed to the Committee on Military Affairs.

House Bill No. 2314 (Senate Bill No. 1277), entitled:

An Act authorizing Cities of the Second Class to Issue and Sell Short Term Promissory Notes.

Which was committed to the Committee on Municipal Government.

House Bill No. 2393 (Senate Bill No. 1278), entitled:

An Act to amend section one as amended, sections two and three, sections four and five as amended, and sections six, eight, nine, eleven and twelve of, and to add section fourteen A to, the act, approved the sixth day of May, one thousand nine hundred and twenty-five (P. L. 541), entitled, "Milk Dealers Law," further regulating the issuing of permits; prohibiting the taking of unfair and inaccurate samples; requiring licensed testers to keep certain records; prescribing fees for examinations; providing for tests for official inspections and records; further regulating the weighing and testing of milk and cream; providing for notices to parties affected by tests; providing for sales by butterfat test; and empowering the Secretary of Agriculture to adopt rules and regulations.

Which was committed to the Committee on Agriculture.

House Bill No. 2477 (Senate Bill No. 1279), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925," by making it unlawful to interfere with dams, deflectors, retards or similar devices.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 2491 (Senate Bill No. 1280), entitled:

An Act to variously amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code" as amended; further regulating refunds; further regulating the deposits of State moneys and the security therefor; and providing additional penalties for late filing of certain reports.

Which was committed to the Committee on State Government.

House Bill No. 2495 (Senate Bill No. 1281), entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions; and defining the powers and duties of said department in relation thereto.

Which was committed to the Committee on State Government.

House Bill No. 2497 (Senate Bill No. 1282), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "Department of Banking Code," by providing for the licensing of secretaries of building and loan associations by the Department of Banking.

Which was committed to the Committee on Banking.

House Bill No. 2531 (Senate Bill No. 1283), entitled:

An Act requiring State-aided medical and surgical hospitals to make certain reports to the General Assembly, and denying further aid to a hospital unless such report is made.

Which was committed to the Committee on State Government.

House Bill No. 2541 (Senate Bill No. 1284), entitled:

An Act providing that the Pennsylvania Rural Rehabilitation Corporation be recognized and designated as an agency of the Commonwealth to assist in the rehabilitation of individuals and families as self-sustaining citizens, and authorizing the various officers, boards, courts and governing bodies of the Commonwealth engaged in the relief of destitution and unemployment to cooperate with said corporation.

Which was committed to the Committee on State Government.

House Bill No. 2576 (Senate Bill No. 1285), entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act" authorizing boroughs to acquire, maintain, and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities.

Which was committed to the Committee on Municipal Government.

SENATE BILL NO. 1015 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1015, entitled:

An Act to amend sections one, seven and eleven of the act, approved the seventh day of February, one thousand nine hundred and six (P. L. 7), entitled "An act to enable cities that are now, or may hereafter be, contiguous or in close proximity, to be united, with any intervening land other than boroughs, in one municipality; providing for the consequences of such consolidation, the temporary government of the consolidated city, payment of the indebtedness of each of the united territories, and the enforcement of debts and claims due to or from each," by requiring a majority vote in each city and in the intervening land voting on the question of consolidation and extending the provisions of said act to pending proceedings

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. REED (Dauphin). Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bills.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 by adding after the word "consolidation" the following: "and extending the provisions of said act to pending proceedings"; also page 4 by inserting after line 5 the following: "Section 2 This act shall apply to all proceedings pending in courts of quarter sessions for the consolidation of cities at the time this act becomes effective Section 3 This act shall become effective immediately upon final enactment."

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING

Mr. McCLURE. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 990 (House Bill No. 1631) on third reading, entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

William A. Walker, of Warren, Warren County, as a Workmen's Compensation Referee, vice G. Scott Smith, removed from office, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

MOTION FOR EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination.

Mr. BAUMER. Mr. President, I second the motion.

MOTION TO LAY ON THE TABLE

Mr. OWLTT. Mr.President, I move that the nomination just reported be laid on the table.

Mr. GRAFF. Mr. President, I second the motion.

PARLIAMENTARY INQUIRY

Mr. HARRIS. Mr. President, I would like to make a parliamentary inquiry to ask if this nomination will not lie over for another day without a vote.

The PRESIDENT. This nomination was favorably reported, and immediate action can be had.

POINT OF ORDER

Mr. HUFFMAN. Mr. President, I make the point that we had already gone into Executive Session, and there is nothing before the House except voting on the report made by the Committee.

The PRESIDENT. The motion was made and seconded, but it was not put before the House, and it was not voted on.

Mr. HUFFMAN. Mr. President, I submit that a motion was before the House. It was moved and seconded, and nothing else could take its place. That is the motion before the House.

The PRESIDENT. The motion before the House was to suspend Rule 38, and go into Executive Session for the purpose of advising and consenting to the nomination. Before that motion was put, there was a motion made that the nomination lie on the table. I think, in strict parliamentary sense, the motion to suspend the rule and go into Executive Session would have priority.

Mr. BUCKMAN. Mr. President, for the information of the Senate, I desire to call the attention of the Senate to Rule 38 of Rules of the Senate, which provides:

"When nominations shall be made by the Governor to the Senate, they shall after being read by the Chief Clerk, without a motion, be referred by the presiding officer to appropriate committee, and after having been reported by the committee, the final question on every nomination shall be: 'Will the Senate advise and consent to this nomination'? Which question shall not be put on the day on which the nomination or nominations are reported from committee, unless by unanimous consent."

In this connection, I want to say that it has been the custom of the Chair in this and previous Sessions to entertain a motion to suspend Rule 38, whereas, it should be done by unanimous consent, unless by a two-thirds vote of the Senate to suspend that rule.

Mr. THOMPSON (Centre). It is still quite obvious that the motion before this House is a motion to suspend this rule to consider the nomination. It hardly seems to me in order at all to lay the nomination on the table, when a motion is before the House to suspend the rule.

MOTION FOR EXECUTIVE SESSION WITHDRAWN

Mr. SONES. Mr. President, I beg leave to withdraw my motion to suspend Rule 38 and go into Executive Session.

The PRESIDENT. The Senator from Lycoming, Mr. Sones, withdraws his motion to suspend Rule 38 and go into Executive Session.

The PRESIDENT. Does the Senator from Cambria, Mr. Baumer, withdraw his second?

Mr. BAUMER. Mr. President, I do.

The PRESIDENT. The motion to suspend Rule 38 and go into Executive Session is withdrawn.

NOMINATION RECOMMITTED

Mr. COYNE. Mr. President, I move that this nomination be recommitted to the Committee on Executive Nominations.

Mr. CLARK. Mr. President, I second the motion.

The motion is agreed to.

BILLS INTRODUCED

Mr. FREY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY read in place and presented to the Chair, Senate Bill No. 1286, entitled:

An Act to amend section three, as amended, and section five of the act approved the third day of May, one thousand nine hundred and nine (P. L. 395), entitled "An act regulating the sale of concentrated commercial feeding-stuffs, also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food, possessing nutritive value combined with medicinal properties; defining concentrated commercial feeding-stuffs; prohibiting the adulteration of any feeding-stuffs, sold, offered, or exposed for sale in this State, with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls, ground corn stalks, rice hulls, peanut hulls, weed seeds, or other similar adulterants: providing for the collection of samples and analysis thereof by the Department of Agriculture, and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for its violation, and repealing act number two hundred and eleven (P. L. 1907, page 273), entitled 'An act regulating

the sale of wheat-, rye-, corn-, and buckwheat-bran and middlings, or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," further prescribing what may be mixed and sold under the provisions of the act.

Which was committed to the Committee on Agriculture.

Mr. BAUMER. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BAUMER read in place and presented to the Chair, Senate Bill No. 1287, entitled:

An Act to amend section one thousand twenty-five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, authorizing the Secretary of Revenue in certain cases to offer and pay rewards for information resulting in the arrest and conviction of hit and run drivers, and requiring such drivers to pay the amount of such rewards in addition to the existing penalties.

Which was committed to the Committee on Highways.

Mr. SORDONI. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SORDONI read in place and presented to the Chair Senate Bill No. 1288, entitled:

An Act to amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work to be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not effected by provisions of this act," as amended, requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools.

Which was committed to the Committee on Highways.

Mr. GELDER. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER read in place and presented to the Chair Senate Bill No. 1289, entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

Which was committed to the Committee on Highways.

REPORTS FROM COMMITTEES

Mr. SALUS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SALUS from the Committee on Law and Order reported as amended, Senate Bill No. 1049, entitled:

An Act to amend clauses (i) and (l) of section two, and section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," as amended; further defining distilleries and wineries; and providing for the licensure and rights of manufacturers of unfortified wine.

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on Education reported as committed, Senate Bill No. 1162, entitled:

A Joint Resolution proposing an amendment to section eight, article four, and to add an additional section to article ten of the Constitution of Pennsylvania.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 150 (House Bill No. 147) on second reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 248, as follows:

An Act making an appropriation to the Pennsylvania School for the Deaf at Mount Airy Philadelphia to cover additional cost of maintenance and education of State pupils

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of one hundred and ninety-one thousand three hundred and sixty-two dollars ($191,362) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania School for the Deaf at Mount Airy Philadelphia to cover additional cost of maintenance and education of State pupils for the six fiscal years beginning June first one thousand nine hundred and twenty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 258, as follows:

An Act making an appropriation to the Lying-In Charity Hospital Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of one hundred and sixty-five thousand three hundred dollars ($165,300) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Lying-In Charity Hospital Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however that said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 259, as follows:

An Act making an appropriation to the Contributors to the Pennsylvania Hospital of Philadelphia Pennsylvania for the maintenance of its department for the sick and injured

Section 1 Be it enacted by the Senate and House of Representantive sof the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of three hundred and sixty thousand dollars ($360,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Pennsylvania Hospital of Philadelphia Pennsylvania for the maintenance of its department for the sick and injured for the two fiscal years beginning June firs tone thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day o fpart pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however that said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 260, as follows:

An Act making an appropriation to the Maternity Hospital Philadelphia Pennsylvania

Section 1 Be it enacted b ythe Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of sixty thousand nine hundre ddollars ($60,900) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Maternity Hospital Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however that said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 306, as follows:

An Act making an appropriation to the Department of Military Affairs for payment of property damages occasioned by a motor truck the property of the Federal Government issued to and in possession of the National Guard of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of on ehundred seventy-five dollars ($175.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs for the purpose of paying any claim with interest thereon for repairs to a motor vehicle damaged by a motor truck the property of the United States of America which motor truck was issued to the Commonwealth of Pennsylvania for the training of the National Guard and was in the possession of and under the control of the One Hundred and Third Ammunition Train of the National Guard when such damage occurred Payment from said appropriation shall be made by requisition of the Department of Military Affairs upon proof of such claim to the satisfaction of the Department of Military Affairs and the Department of the Auditor General

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 309, as follows:

An Act making an appropriation to the Pennsylvania Society to Protect Children From Cruelty located at four hundred and fifteen south Fifteenth street Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the su mof tweny thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Society to Protect Children From Cruelty located at four hundred and fifteen south fifteenth street Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for work outside of Philadelphia County to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 328, as follows:

An Act making an appropriation to the Women's Homeopathic Hospital Philadelphia Pennsylvania (now known as Broad Street Hospital Philadelphia Pennsylvania)

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Women's Homeopathic Hospital Philadelphia (now known as Broad Street Hospital Philadelphia) Pennsylvania for the two fiscal years beginning June first one thousand nine hundre dand thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears tothe regular ward charge for such free service Provided however that said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 565, as follows:

An Act making an appropriation to the Elk County General Hospital Ridgway Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Elk County General Hospital Ridgway Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however that said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 582, as follows:

An Act making an appropriation to the Lock Haven Hospital Lock Haven Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of sixty thousand dollars $60,000) or so much thereof as may be necessary be and th esame is hereby specifically appropriated to the Lock Haven Hospital Lock Haven Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and

maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however that said hosiptal shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 583, as follows:

An Act making an appropriation to the Renovo Hospital Renovo Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Renovo Hospital Renovo Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however that said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 594 (House Bill No. 1128), entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue and providing penalties

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Documentary Stamp Tax Act"

The second section of the bill was read as follows:

Section 2 The following words when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Document" A written instrument including the following

1 Any deed instrument or writing whereby any lands tenements or hereditaments or any interest therein shall be granted bargained sold or otherwise conveyed to the grantee purchaser or any other person

2 Any bond debenture or certificate or evidence of indebtedness of any person and any instrument however termed issued by any corporation with interest coupons attached or in registered form known generally as corporate securities except securities issed by this Commonwealth or any political subdivision thereof or by the United States Provided That every renewal of any of the foregoing documents shall constitute a new issue or document

3 Any written obligation to pay money including any promissory note except bank notes issued for circulation and notes issued to mutual insurance companies payable only on the happening of certain contingencies) nonnegotiable note judgment note and any executory contract for the payment of money which is executed or carried out in an instrument in writing except insurance policies and each renewal of any of the foregoing documents

4 Any mortgage which incorporates the certificate of indebtedness not otherwise shown in a separate instrument

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term person as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Value" (1) In the case of any document representing an obligation to pay money the full amount of such obligation Provided That where a document conditioned upon the repayment or payment of money is given in a penal sum greater than the full amount secured the term "value" shall mean the actual amount secured thereby

(2) In the case of any document granting bargaining selling or otherwise conveying any land tenement or hereditament or interest therein the amount of the actual consideration therefor exclusive of liens or other encumbranches thereon or exclusive of a commensurate part of the liens or other encumbrances thereon where such liens or other encumbrances also encumber other lands tenements or hereditaments Provided That where such document shall set forth a small or nominal consideration the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale or in the case of a gift from the actual monetary worth of the property granted bargained sold or otherwise conveyed which in either event shall not be less than the amount of the highest assessment of such lands tenements or hereditaments for local tax purposes

The singular shall include the plural and the masculine shall include the feminine and neuter

On the question.

Will the Senate agree to the section?

Mr. WOODWARD. Mr. President, I move to amend section 2, page 3, line 3, by inserting a parenthesis before the word "except" thus "("; also page 3, line 3, by inserting after the word "policies" the following: "checks and drafts)"

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third and fourth sections of the bill were read as follows and agreed to:

Section 3 Every person who makes executes issues or delivers any document or in whose behalf any document is made executed issued or delivered shall be subject to pay for and in respect to such document or for or in respect of the vellum parchment or paper upon which such document is written or printed a State tax at the rate of five cents (5c) for each one hundred dollars ($100.00) or fraction thereof of the value represented by such document payable at the time of making execution issuance or delivery of such document

Section 4 The payment of the tax imposed by this act shall be evidenced by the affixing of a documentary stamp or stamps to every document by the person making executing issuing or delivering such document Such stamps shall be affixed in such manner that their removal will require the continued application of steam or water and the person using or affixing such stamps shall write or stamp or cause to be written or stamped thereon the initials of his name and the date upon which such stamps are affixed or used so that such stamps may not again be used Provided That the department may prescribe such other method of cancellation as it may deem expedient

The fifth section of the bill was read as follows:

Section 5 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon documents and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the face value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of such sale delivery or consignment to such agent of such stamps All moneys paid into the State Treasury from the stamp tax imposed by this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated.

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 5, page 5, line 23, by inserting after the word "Treasury" the following:"before June first, one thousand nine hundred and thirty-six"; also page 5, line 25, by inserting after the word "appropriated" the following: "and all moneys paid into the State Treasury on and after June first, one thousand nine hundred and thirty-six from said tax shall be credited the General Fund"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth, seventh, eighth, ninth, tenth and eleventh sections of the bill were read as follows and agreed to:

Section 6 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and means to be used in affixing or cancelling of stamps in substitution for or in addition to the method and means provided in this act

(b) The denominations and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 7 No document upon which tax is imposed by this act shall be made the basis of any action or other legal proceeding nor shall proof thereof be offered or received in evidence in any court of this Commonwealth unless a documentary stamp or stamps as provided in this act have been affixed thereto

Section 8 Every document upon which tax is imposed by this act when lodged with or presented to any recorder of deeds or prothonotary in this Commonwealth for recording shall set forth therein and as a part of such document the true full and complete value thereof or shall be accompanied by an affidavit executed by a responsible person connected with the transaction showing such connection and setting forth the true full and complete value thereof

Any such recorder of deeds or prothonotary who shall record any document upon which tax is imposed by this act without the proper documentary stamp or stamps affixed thereto as required by this act as is indicated in such document or accompanying affidavit shall upon summary conviction before any magistrate alderman or justice of the peace or other officer having the powers of a committing magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof undergo imprisonment for not more than ten (10) days Provided That when any document shall have been recorded it shall be presumed that all requirements of law affecting the title to any real property conveyed thereby have been complied with

Section 9 (a) It shall be unlawful for any person to

1 Make execute issue deliver or accept or cause to be made executed issued delivered or accepted any document without the full amount of tax thereon being duly paid or

2 Make use of any documentary stamp to denote payment of any tax imposed by this act without cancelling such stamp as required by this act or as prescribed by the department or

3 Fail neglect or refuse to comply with or violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act

Any person violating any of the provisions of this subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200.00) and costs of prosecution or to undergo imprisonment of not more than sixty (60) days or both in the discretion of the court

(b) It shall be unlawful for any person to

1 Fraudulently cut tear or remove from a document and documentary stamp or

2 Fraudulently affix to any document upon which tax is imposed by this act any documentary stamp which has been cut torn or removed from any other document upon which tax is imposed by this act or any documentary stamp of insufficient value or any forged or counterfeited stamp or any impression of any forged or counterfeited stamp die plate or other article or

3 Wilfully remove or alter the cancellation marks of any documentary stamp or restore any such documentary stamp with intent to use or cause the same to be used after it has already been used or knowingly buy sell offer for sale or give away any such altered or restored stamp to any person for use or knowingly use the same or

4 Knowingly have in his possession any altered or restored documentary stamp which has been removed from any document upon which tax is imposed by this act Provided That the possession of such stamps shall be prima facie evidence of an intent to violate the provisions of this clause or

5 Knowingly or wilfully prepare keep sell offer for sale or have in his possession any forged or counterfeited documentary stamps

Any person violating any of the provisions of this subsection (b) shall be guilty of a misdemeanor and upon

conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than five (5) years or both in the discretion of the court

Section 10 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 11 This act shall become effective thirty days after its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

The title of the bill was read as follows:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department ow Revenue for providing penalties

On the question,

Will the Senate agree to the title?

Mr. McCLURE. Mr. President, I move to amend title, page 1, line 7 of title, by inserting after the word "Revenue" and following: "making an appropriation"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

BILL OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 594 (House Bill No. 1128), on second reading, entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 847, as follows:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the General maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School of Medicine

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the sam that the sum of one million six hundred and fifty thousand dollars ($1,650,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University of Pittsburgh and the purchase of such apparatus and equipment as the Trustees may deem necessary for the best interests of the University of Pittsburgh including maintenance of teaching facilities in hospitals for students in the School of Medicine of the University of Pittsburgh including the Maternity Dispensary and other dispensaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 850, as follows:

An Act making an appropriation to the Ashland State Hospital Ashland Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of fiv hundred and forty-five thousand two hundred and forty-five dollars ($545,245) or so much thereof as may be necessary is hereby specifically appropriated to the Ashland State Hospital Ashland Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the payment of salaries wages and other compensation of the superintendent and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs extensions replacements and addition to plant for the purchase of equipment machinery furniture and furnishings for the expenses of the borad of trustees and incidental expenses and for all other expenses o fmaintenance and operation necessary for the proper conduct of the work of said hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 851, as follows:

An Act making an appropriation to the Locust Mountain State Hospital Shenandoah Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of five hundred and forty-one thousand three hundred and nine dollars ($541,-309) o rso much thereof as may be necessary is hereby specifically appropriated to the Locust Mountain State Hospital Shenandoah Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the payment of salaries wages and other compensation of the superintendent and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs extensions replacements and addition to plant for the purchase of equipment machinery furniture and furnishings for the expenses of the board of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of said hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 969 (House Bill No. 1932), entitled:

An Act making an appropriation to the committee created by a resolution of the House of Representatives to investigate the cost of the transportation of anthracite coal

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 969 (House Bill No. 1932), the bill just read, be recommitted to the Committee on Appropriations.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 661, (House Bill No. 862), on third reading, entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties

Mr. CLARK. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 661 (House Bill No. 862), as follows:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale The term "retail dealer" shall include every person who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5.00) for each permit unless the applicant shall be the holder of a mercantile license in effect when the application is made in which case no permit fee shall be required

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5.00) except that no renewal fee shall be required if the applicant possesses a mercantile license effective when the application is made

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1.00)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder

thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes business so affix such stamps to each package of tobacco unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and canceled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be torn and mutilated when the package is opened Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cigarettes and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) The diverse methods and conditions of sale of cigarettes in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsalable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarettes permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 All taxes and penalties received collected or recovered under the provisions of this act shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. McCLURE. Mr. President, I ask unanimous consent to amend title, page 1, line 8 of title by inserting after the word "wholesale" the following: "making an appropriation"; also section 13, page 13, line 17, by inserting after the word "act" the following: "before June first, one thousand nine hundred and thirty-six"; also page 13, line 21, by inserting after the word "appropriated" the following: "and all such taxes and penalties paid into the State Treasury on and after June first, one thousand nine hundred and thirty-six shall be credited to the General Fund."

The PRESIDENT. Is there objection? the Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the uss of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 990 (House Bill No. 1631), as follows:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Gift Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise or organization owned by or with which is affiliated two or more persons or members

"Corporations" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Donee" Any person to whom a gift is made

"Donor" Any natural person making a gift

"Department" The Department of Revenue of this Commonwealth

"Gift" Any property real or personal tangible or intangible or any interest therein or income derived therefrom in trust or otherwise voluntarily granted or transferred either directly or indirectly by any device whatever without consideration or for less than a full and adequate consideration by any donor Provided That in the case of any donor a resident of this Commonwealth the word "gift" shall not include any real or tangible personal property permanently located outside of this Commonwealth and in the case of a donor not a resident of this Commonwealth the word "gift" shall only include such property as is situated within this Commonwealth and subject to its taxing power and Provided further That the word "gift" shall not include property transferred money service or anything of value paid furnished or delivered by any person to or for any member of his immediate family reasonably necessary for current maintenance support and education

"Person" Every natural persons association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 A State excise tax payable by the donor if he is a resident or by the donee if the donor is a nonresident is hereby imposed with respect to any gift in excess of two thousand dollars ($2,000) at following rates

(a) Two percentum upon the clear value of any such gift made to the donor's father mother husband wife children lineal descendants born in lawful wedlock by any adopted children children of a former husband or wife or the wife or widow of the son of the donor and also upon the clear value of any gift made by the mother of an illegitimate child or by any person of whom the mother

is a lineal descendant to such child his wife or widow and by any illegitimate child to his mother

(b) Ten per centum upon the clear value of any gift made to any persons other than those set forth in subsection (a) of this section or to any body politic

Section 4 (a) If a gift is made in property of any nature whatsoever the clear market value thereof at the date of gift shall be considered the taxable value of the gift Provided That when any such property is sold or exchanged for less than a fair consideration in money or money's worth then the amount by which the clear market value of the property exceeded the consideration received shall for the purposes of this act be deemed a gift and shall be included in computing the amount of gifts

(b) The clear value of all gifts made during the year to the same donee by the same donor within the same calendar year shall be added together and the aggregate of such amounts shall be considered as one gift for the purposes of taxation under this act and the rates of tax prescribed in this act shall be applied to such aggregate of such amounts

Section 5 Nothing in this act is intended or shall in any wise be considered so that the provisions hereof shall conflict with or modify in any respect the provisions of the Transfer Inheritance or Estate Tax Law

Section 6 (a) Any voluntary gift made by any person to any corporation association or truck organized exclusively for charitable religious or educational purposes no part of the income of which inures to the benefit of any private shareholder member or individual shall not be considered a gift taxable under the provisions of this act

(b) Any voluntary contribution to any corporation trust community chest fund or foundation organized and operated exclusively for charitable purposes made by any person in any calendar year for the purpose of defraying the normal current expenditures of such corporation association trust community chest fund or foundation during such calendar year or the next succeeding calendar year shall not be considered a gift taxable under the provisions of this act

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year Such report shall contain such information as the department may require

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such person may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the period covered by such estimated assessment or any other matter of defense whatsoever if a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment.

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to the date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident if such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior to the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the courts of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment

and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and thirty (30) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 18 Except as otherwise provided by the Constitution all taxes interest and penalties that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. McCLURE. Mr. President I move to reconsider the vote by which this bill was ordered to be transcribed for third reading.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

The twentieth, nineteenth, eighteenth, seventeenth, sixteenth, fifteenth, fourteenth, thirteenth, twelfth, eleventh, tenth, ninth, eighth, seventh and sixth sections of the bill were separately reconsidered.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the fifth section of the bill was agreed to.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend Section 5, page 5, line 5, by striking out the word "(truck)" and inserting in lieu thereof the word "trust"

Mr. HOMSHER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows:

Section 6 (a) Any voluntary gift made by any person to any corporation association or truck organized exclusively for charitable religious or educational purposes no part of the income of which inures to the benefit of any private shareholder member or individual shall not be considered a gift taxable under the provisions of this act

(b) Any voluntary contribution to any corporation association trust community chest fund or foundation organized and operated exclusively for charitable purposes made by any person in any calendar year for the purpose of defraying the normal current expenditures of such corporation association trust community chest fund or foundation during such calendar year or the next succeeding calendar year shall not be considered a gift taxable under the provisions of this act

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 6, page 5, line 5, by striking out with heavy-faced brackets the word "truck" and insert in lieu thereof "trust"

Mr. HOMSHER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections of the bill were read as follows and agreed to:

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year. Such report shall contain such information as the department may require.

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return.

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made. Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer. If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided.

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shal make an estimated assessment against him by mail or otherwise notice of such estimated assessment to such resident. At any time within thirty (30) days after such notice of such estimated assessment is so given or sent such person may file a return under oath or affiirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment. Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal in any suit for the collection for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the estimated assessment is made but not within the time reperiod covered by such estimated assesment or any other matter of defense whatsoever. If a return is filed before an quired by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment.

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to the date of assessment Promptly thereafter the department shall give or send by by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment ois made may petition the department for a reassessment prior is the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions hsall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assess-

ment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and thirty (30) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assesed in the manner prescribed in this act and as such shall be a lien upon the franchise and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealh to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be unlawful for writs of scire facias to issue and be prosecuted to udgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books payers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5.000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

The eighteenth section of the bill was read as follows:

Section 18 Except as otherwise provided by the Constitution all taxes interest and penalties that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 18, page 13, line 16, by inserting after the word "act" the following: "before June first, one thousand nine hundred and thirty-six"; also page 13, line 20, by inserting after the word "appropriated" the following: "and all such taxes, interest and penalties paid into the treasury on and after June first, one thousand nine hundred and thirty-six, shall be credited to the General Fund

Mr. HOMSHER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The nineteenth and twentieth sections of the bill were read as follows and agreed to:

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions f this act It is hereby declared as he legisltive intent of this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

The title of the bill was read as follows:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments and imposing penalties

On the question,

Will the Senate agree to the title?

Mr. McCLURE. Mr. President, I move to amend title, page 1, line 8, by inserting after the word "departments" the following: "making an appropriation"

Mr. HOMSHER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEES

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 1289, entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

Mr. RICE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE from the Committee on Agriculture, reported as committed, Senate Bill No. 946, entitled:

An Act relating to the buying, selling and transportation of live and dressed poultry; requiring poultry dealers to be licensed; requiring records of sales and purchases of poultry to be kept; imposing duties and liabilities on poultry dealers, poultry producers and other persons buying and selling poultry, and on county farm agents and the Department of Agriculture; and prescribing penalties.

Also from the Committee on Agriculture, reported as amended, Senate Bill No. 1070 (House Bill No. 1641), entitled:

An Act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Agriculture, reported as committed, Senate Bill No. 1185 (House Bill No. 1826), entitled:

An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honey bees.

Also from the Committee on Agriculture, reported as committed, Senate Bill No. 1218 (House Bill No. 2324), entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs.

BILLS ON THIRD READING POSTPONED FOR THE PRESENT

Mr. RANKIN. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 709, on third reading postponed for the present, entitled:

An Act to amend article nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the establishment of courses of college studies in school districts of the first and second class

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Rankin.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rankin, be interrogated?

Mr. RANKIN. Mr. President. I will.

Mr. SHAPIRO. Mr. President, I desire to ask the Senator from Allegheny, Mr. Rankin, if this bill give the right to the schools to charge fees.

Mr. RANKIN. Mr. President, there is another bill that takes care of that.

Mr. SHAPIRO. Mr. President, does this bill give the public schools the right to charge fees?

Mr. RANKIN. Mr. President, that is up to the School Board.

Mr. SHAPIRO. Mr. President, I understand from this bill that there was a provision in it to give the right to public schools to charge fees, and I am asking whether that still is in the bill.

Mr. RANKIN. Mr. President, as submitted, the first one.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Aron,	Harvey,	McCreesh,	Rice,
Bean,	Homsher,	McGinnis	Rodgers,
Buckman,	Howell,	Miller,	Rupp,
Cavalcante,	Huffman,	Norton,	Salus,
Chapman,	Hunsicker,	Owlett,	Sones,
Clark,	Kahle,	Pytko,	Staudenmeier,
Coyne,	Lanius,	Rankin,	Thompson,
Gelder,	Law,	Reed, (Dauphin)	(Westmoreland)
Graff,	Mallery,	Reed, (Washington)	Trainer,
Harris,	McClure,		Ziesenheim.

NAYS—2

Batchelor,	Shapiro.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. RANKIN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 947, on third reading postponed for the present, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts alone or jointly with other school districts, to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies and to fix fees therefor.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—40

Aron,	Graff,	McCreesh,	Rice,
Batchelor,	Harris,	McGinnis,	Rodgers,
Baumer,	Homsher,	Miller,	Salus,
Bean,	Howell,	Norton,	Sones,
Bennett,	Huffman,	Owlett,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed	Thompson
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,

NAYS—4

Buckman,	Gelder,	Harvey,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 1015, entitled:

An Act to amend sections one, seven and eleven of the act approved the seventh day of February, one thousand nine hundred and six (P. L. 7), entitled "An act to enable cities that now, or may hereafter be, contiguous or in close proximity, to be united, with any intervening land other than boroughs, in one municipality; providing for the consequences of such consolidation, the temporary government of the consolidated city, payment of the indebtedness of each of the united territories, and the enforcement of debts and claims due to or from each," by requiring a majority vote in each city and in the intervening land voting on the question of consolidation, and extending the provisions of said act to pending proceedings.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEE

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Commitee on State Government reported as committed, amended, Senate Bill No. 1157 (House Bill No. 1904), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board; further defining the powers and duties of such board and its members; and transferring certain powers of the board over referees from the board to the Department of Labor and Industry.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that the Senate Bill No. 1157 (House Bill No. 1904) the bill just reported be recommitted to the Committee on Labor and Industry.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

Mr. BEAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BEAN from the Committee on Finance reported as amended, Senate Bill No. 1169 (House Bill No. 1475), entitled:

An Act imposing a graduated income tax for unemployment relief and school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax.

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Finance reported as committed, Senate Bill No. 721 (House Bill No. 857), entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securties belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring every person, copartnership, bank, national bank, bank and trust company, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank to report unclaimed deposits after ten years; and repealing certain acts.

Also from the Committee on Finance reported as amended, Senate Bill No. 722 (House Bill No. 858), entitled:

An Act to further amend section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878), entitled "An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall escheat after ten years and making an appropriation.

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Finance reported as amended, Senate Bill No. 726 (House Bill No. 1192), entitled:

An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments and providing penalties

RESOLUTION REQUESTING FINANCE COMMITTEE TO REPORT OUT SENATE BILLS NOS. 838, 864 AND 1127

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE offered the following resolution which was twice read considered and agreed to:

Whereas, The Finance Committee of the Senate has had in its possession House Bill No. 838 since March 26th; House Bill No. 864 since March 11th and House Bill No. 1127 since March 20th, 1935; and

Whereas, These respective bills have to do, respectively, with the repeal of the present tax exemption of manufacturing corporations; a tax on chain stores, and an increase in the present rate of taxation on gross receipts of public utilities; and

Whereas, The prompt enactment of these bills is essential and necessary to the end that the Commonwealth of Pennsylvania shall be in position to contribute its share towards the relief of the people of Pennsylvania and thereby prevent untold hardship and suffering; and

Whereas, The Finance Committee of the Senate has had sufficient time to study these House Bills thoroughly and adequately; therefore, be it

Resolved, That the Finance Committee of the Senate is respectfully requested to report said House Bills No. 838, No. 864 and No. 1127 not later than Wednesday, May 8, 1935.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Rule 39 which requires that resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. McCLURE. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The Resolution, which is a request for action by the Finance Committee is referred to the Committee on Finance.

ERRATUM

Page 2466, column 2, after line 45, insert the following:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Marcella Blackwell, 220 Auburn St., Pittsburgh.
A. S. Carson, 26th and A. V. R. R. Sts., Pittsburgh.
P. M. Leahy, 925 Frick Bldg., Pittsburgh.

CUMBERLAND COUNTY

Mrs. Marguerite H. Frink, Lemoyne.

LUZERNE COUNTY

Cleon O. Hanson, Wilkes-Barre.

MONTGOMERY COUNTY

John H. Casselberry, Norristown.
Perry Greenspan, Roslyn.

PHILADELPHIA COUNTY

Miss Margaret T. Dougherty, 3130 N. Broad St., Philadelphia.
Miss Frances K. McGlynn, Wissahickon Ave. and School Lane, Philadelphia.
Clarence B. Wrigley, 1650 Real Estate Trust Bldg., Philadelphia.

WESTMORELAND COUNTY

Fred J. Broad, New Kensington.
Miss Edna Durst, Greensburg.

GEORGE H. EARLE.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 721 (House Bill No. 857), entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after ten years and repealing certain acts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 722 (House Bill No. 858), entitled:

An Act to further amend section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled "An act providing for the escheat of deposits of money or property of another received storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall escheat after ten years and making an appropriation

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 726 (House Bill No. 1192), entitled:

An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments and providing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 900, entitled:

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 946, entitled:

An Act relating to the buying, selling and transportation of live and dressed poultry; requiring poultry dealers to be licensed; requiring records of sales and purchases of poultry to be kept; imposing duties and liabilities on poultry dealers, poultry producers and other persons buying and selling poultry, and on county farm agents and the Department of Agriculture; and prescribing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1049, entitled:

An Act to amend clauses (i) and (l) of section two, and section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal perits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," as amended; further defining distilleries and wineries; and providing for the licensure and rights of manufacturers of unfortified wine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1070 (House Bill No. 1641), entitled:

An Act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1162, entitled:

A Joint Resolution proposing an amendment to section eight, article four, and to add an additional section to article ten of the Constitution of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1169 (House Bill No. 1473), entitled:

An Act imposing a graduated income tax for unemployment relief and school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1185 (House Bill No. 1826), entitled:

An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honeybees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1218 (House Bill No. 2324), entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1246, entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto, and imposing no municipal liability, existing or created at the time of the original acquisition of such water-works, by the issue of refunding bonds secured solely by liens, and imposing no municipal liability.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1289, entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11: o'clock.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:43 P. M. until Wednesday, May 8, 1935, at 11 A. M.

HOUSE OF REPRESENTATIVES

TUESDAY, May 7, 1935

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Marshall L. Shepard, a member of the House offered the following prayer:

Behold how good and how pleasant it is for brethen to dwell together in unity. Our father who art eternally one, we pray Thee that Thou wouldst grant to us a sense of common responsibility as members of this General Assembly.

In all of our differences over methods and manner of approach to our various problems we pray Thee that we may be ever guided by a sense of responsibility to the people of this Commonwealth.

We pray Thee that we may ever keep uppermost in our minds those principals of right, truth and justice with which we must never in Thy sight make compromise.

Bless, we pray Thee, the Governor of the Commonwealth, the Speaker of this House and all of the members according to our several needs.

These and all other blessings we ask in His name and for His sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SHUGARTS, the further reading was dispensed with and the Journal approved.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 694.

An Act to amend section two of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within this Commonwealth of Pennsylvania and making the operation of such a motor vehicle on t e public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended providing for the service of process upon the Secretary of Revenue by registered mail.

HOUSE BILL No. 817.

An Act to amend section one of the act aproved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications.

HOUSE BILL No. 826.

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred four) entitled "An act to preserve the continuity of service of officers and enlisted men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard" making such continuity of service effective for qualification for service medals.

HOUSE BILL No. 965.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

HOUSE BILL No. 1645.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land.

HOUSE BILL No. 1815.

An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven)) entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties" providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent.

HOUSE BILL No. 638.

An Act to amend clauses (b) and (c) of section seven and section eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" as amended providing an expiration date of licenses defining the qualifications of applicants for licensure and providing for the examination and licensure of those who desire to engage in the occupation of real estate broker and real estate salesman conferring powers and duties upon the Department of Public Instruction in connection therewith and eliminating penalties for failure to renew.

HOUSE BILL No. 1838.

An Act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Carson asked and obtained leave of absence for Mr. STONE on account of illness in the family.

Mr. ROBERT BOYD asked and obtained leave of absence for himself for the balance of the week.

Mr. PETERS asked and obtained leave of absence for himself for the balance of the week.

REPORTS FROM COMMITTEES

Mr. VanSICKLE from the Committee on Cities reported as committed, House Bill No. 301, entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; dening the powers and duties of civil service commissions for such purposes; and fixing penalties," modifying the age restriction for applicants who are veterans.

Mr. VanSICKLE from the Committee on Judiciary General reported as committed, House Bill No. 2566, entitled:

An Act to further amend section fifteen of the act approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1311), entitled "An act providing for the establishment of a State Industrial Home for Women; authorizing the purchase of a site, and the erection thereon and equipment of necessary buildings; providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years, convicted of, or pleading guilty to, the

commission of any criminal offense; and providing for the government and management of said institution; and making an appropriation to carry out the purposes of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twenty-four years of age.

Mr. MALE from the Committee on appropriations reported as committed, House Bill No. 2176, entitled:

An Act to amend section two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven, (Appropriation Acts, page 32), entitled "An act authorizing the Department of Property and Supplies to construct, erect, and dedicate, in the city of Chester, a monument to the memory of John Morton; and making an appropriation," as amended, by reducing the amount of the state appropriation and the amount required to be raised by citizens; and reappropriating to the Department of Property and Supplies the appropriation as so reduced.

Mr. HABERLEN from the Committee on Forestry reported as committed, House Bill No. 2601, entitled:

An Act to amend sections two and four of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1415), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties, as a public park and pleasure-ground, to be known as 'Bucktail State Park'; and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth," further defining the control rights of the Department of Forests and Waters over private lands; and providing for the acquisition thereof.

Mr. JOHN J. BAKER from the Committee on Appropriations reported as committed, House Bill No. 1204, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Mr. DENT from the Committee on Constitutional Amendments reported as committed, House Bill No. 2309, entitled:

A Joint Resolution proposing an amendment to section one, article eighteen of the Constitution of the Commonwealth of Pennsylvania.

Miss BRANCATO from the Committee on Education reported as amended, House Bill No. 978, entitled:

An Act to amend the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties;" creating a new limited classification of operators; increasing the eligibility requirements for examination and requirements for school registration; and increasing certain fees.

Miss BRANCATO from the Committee on Cities reported as committed, House Bill No. 2427, entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

Mr. GEORGE E. DOWNEY from the Committee on Appropriations reported as committed, House Bill No. 1896, entitled:

An Act making an appropriation to the Department of Welfare for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

Mr. KILROY from the Committee on Cities reported as committed, House Bill No. 2359, entitled:

An Act providing for the creation of public "Authorities" in counties of the first class; authorizing such "Authorities" to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto, and the Emergency Relief Appropriation Act of 1935, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorites" with the right of eminent domain, and with the power of finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes.

Mr. BRADLEY from the Committee on Constitutional Amendments reported as committed, House Bill No. 672, entitled:

A Joint Resolution proposing an amendment to article nine section sixteen, of the Constitution of the Commonwealth of Pennsylvania.

Mr. EBERHARTER from the Committee on Judiciary General reported as committed, House Bill No. 2482, entitled:

An Act to amend section seventy-four of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 42), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to Penal proceedings and pleadings", as amended; requiring the sentencing of women to the State Industrial Home instead of to State penitentiaries.

Mr. GERARD from the Committee on Appropriations reported as committed, House Bill No. 292, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Mr. CASTOR from the Committee on Cities reported as amended, House Bill No. 1899, entitled:

An Act authorizing and empowering cities of the first class to purchase or acquire by condemnation proceedings such real estate within the city limits as they may need upon which to erect or construct municipal buildings, fire engine houses, gas and electric light works and for playgrounds, public parks or other municipal purposes (other than laying out, opening, altering or maintaining roads, highways, streets or alleys), and within or without the city limits upon which to erect hospitals, water works and power houses, and for the purpose of a poor farm or farms or penal institutions, providing and regulating the procedure in purchase and condemnations, the right on the part of the city to rescind such condemnations, and governing the time and manner of taking possession.

Mr. COHEN from the Committee on Judiciary General reported as amended, House Bill No. 2065, entitled:

An Act providing for liens in favor of the Commonwealth and every charitable association, corporation, or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or privtate charity, and furnishing therein care, treatment and maintenance to persons injured in accidents, upon the rights of action, claims or demands of such injured persons against other persons, corporations, partnerships and other unincorporated associations whatsoever, for damages on account of the negligence causing the injuries, and upon the proceeds of the settlement of any such claims and discharge of such liens; and imposing duties upon or demands; providing for the entry, recording, release prothonotaries.

Mr. BARBER from the Committed on Judiciary General reported as committed, House Bill No. 1534 (Senate Bill No. 42), entitled:

A Supplement to the act approved the eighteenth day of June one thousand nine hundred and twenty-three (P. L. 840) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" prescribing the practice to be pursued in such proceedings.

Mr. HOOPES from the Committee on Judiciary General reported as amended, House Bill No. 553, entitled:

An Act relating to mob violence and lynching making members of a mob and accessories thereto when death results guilty of murder and guilty of a felony where no death results providing for the enforcement of this act by district attorneys the Attorney General and prosecutors designated by the Governor fixing civil liabilities in such cases and prescribing penalties.

Mr. BARBER from the Committee on Judiciary General reported as amended House Bill No. 878, entitled:

An Act to amend section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting martial relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the sending of notice to correspondents in certain divorce the law relating thereto" as amended further regulating actions.

Mr. COHEN from the Committee on Appropriations re-reported as amended, House Bill No. 1595, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one.

Mr. SHAW from the Committee on Counties re-reported as amended, House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

BILL RE-REFERRED

Mr. LaRUE returned from the Committee on Forestry with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 2787 (Senate Bill No. 563), entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. KOBELAK (Concurrent) Resolution No. 142.

In the House of Representatives, May 7, 1935.

Whereas, the Bell Telephone Company of the State of Pennsylvania practically monopolizes the telephone industry in this Commonwealth, and

Whereas, said Telephone Company collects a twenty-five cent service charge for the first two years' use of French Telephones, therefore, be it

Resolved, (the Senate concurring), that the General Assembly requests the Public Service Commission of this Commonwealth to urge the Bell Telephone Company to discontinue any further service charge in the amount of twenty-five cents per month, or any other sum, for the use of French, or any other specially designed telephone.

Referred to the Committee on Public Utilities.

RESOLUTION

RECALLING HOUSE BILL NO. 775 FROM THE GOVERNOR

Mr. STOTT offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 6, 1935.

Resolved (if the Senate concur), that House Bill No. 775, Printer's No. 821, entitled "An act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1778, entitled:

An Act to protect the owners of mortgaged property during the present emergency by restricting the right to proceed against certain property and limiting the time within which deficiency judgments may be proceeded for and limiting the amounts thereof during a certain period

The first, second, third, fourth ,fifth, sixth, seventh, eighth, ninth, tenth sections were separately read and agreed to as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where a bond and mortgage is or has been given for the same debt the real property bound by such bond and mortgage shall first be proceeded against and sold on execution and the amount of the deficiency judgment ascertained as hereinafter provided before any other property real or personal of the mortgage debtor may be levied on or sold for the debt secured by such bond and mortgage

In every such case where a single mortgage binds more than one parcel of real property and one or more but not all of such parcels have been sold on execution on the foreclosure of the mortgage or on the judgment entered on any obligation secured by the mortgage no further execution shall issue on such foreclosure or judgment against the remaining parcels so bound until the amount of the deficiency judgment has been determined as hereinafter provided

Section 2 In all cases where a bond and mortgage is or has been given for the same debt and the real estate is sold on the foreclosure of the mortgage or on the judgment entered on any obligation secured by the mortgage if the real estate shall not sell for a sum sufficient to satisfy the debt interest and costs then it shall be lawful to proceed for the deficiency that shall be determined in the manner hereinafter set forth

Section 3 Whenever any real property is sold on any execution on the foreclosure of any mortgage or on a

judgment entered on any obligation secured by the mortgage and the sum for which such property was sold is not sufficient to satisfy the debt interest and costs including taxes the plaintiff and use plaintiff shall within six months after such sale petition the court out of which such writ of execution issued to fix the fair value of the property sold at the time of such sale Notive of the presentation of such petition shall be given to the defendant or defendants and to all parties whose interests appear of record and to all persons bound by any obligation securing the payment of such mortgage debt at least ten days prior to the date of the intended presentation of such petition to the court Such petition shall be heard by a judge of such court sitting without a jury or may by rule adopted by such court be referred to a master for hearing and determination subject to confirmation by the court Provided that the fee of any such master shall in no case exceed one hundred dollars ($100) nor the costs of any proceeding before a master the sum of fifty dollars ($50) And provided further That if the plaintiff or use plaintiff in his petition shall have averred his inability to defray the fees and costs of such proceeding before a master then a master shall not be appointed

Section 4. At all such hearings any party in interest may introduce in evidence testimony of the fair value of the premises sold at the time of the sale In the event the fair value is greater than that for which the property was sold the amount of such fair value and not the price for which the property was sold shall be deducted from the amount of the judgment interest and costs including taxes and a deficiency judgment entered for the balance

Section 5. If the plaintiff or use plaintiff shall fail to present such petition within six months after such sale the prothonotary shall upon application of the defendant or any person bound by any obligation securing the payment of such mortgage debt enter satisfaction of such judgment Such satisfaction shall have the effect of terminating as well as liability of all persons bound by any obligation securing the payment of such mortgage debt and the court shall have the power to make proper orders and decrees for cancellation of such liability and the surrender of any obligation evidencing such liability

Section 6 The defendant in the foreclosure proceeding or judgment or the real owner of the property sold or any other person or persons bound by any obligation securing the payment of such mortgage debt or other person in interest may at any time after the sale petition the court in like manner to fix the fair value of the property sold at the time of the sale and in such case shall give notice of the presentation of such petition to the plaintiff and use plaintiff at least ten days prior to its presentation to the court whereupon the court shall determine the fair value in the same manner as heretofore provided in the case of a petition by the plaintiff or use plaintiff

Section 7 In either case whether the petition is presented by the plaintiff or use plaintiff or by the defendant or any other party in interest any party may during the period of notice required by this act demand a jury trial whereupon the fair value of the property at the time of the sale shall be fixed by a jury trial as in other cases

Section 8 This act is an emergency measure under the police power of this Commonwealth

Section 9 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 10 All acts and parts of acts inconsistent herewith are hereby suspended during the period this act shall remain in effect

The eleventh section was read as follows,

Section 11 The provisions of this act shall become effective immediately upon its final enactment and shall remain in force until the first day of July one thousand nine hundred and thirty-eight

On the question,

Will the House agree to the section?

Mr. LONGAKER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend as follows section 11, page 5, line 14, by striking out the word "eight" after the word "thirty" and inserting in lieu thereof the word "seven"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to protect the owners of mortgaged property during the present emergency by restricting the right to proceed against certain property and limiting the time within which deficiency judgments may be proceeded for and limiting the amounts thereof during a certain period

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2660, entitled:

An Act to further amend the title and subsection (e) of section one and sections thirteen fifteen and thirty-nine of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by including notice in the title that said act defines as transfers and taxes the right of survivorship in property as to which such right exists further defining the liability of such right of survivorship to taxation extending the Commonwealth's lien imposing certain duties upon safe deposit companies trust companies banks persons or corporations who or which lease safe deposit boxes and imposing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the

stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 690) is hereby further amended to read as follows

An Act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as transfers and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal

On the question,

Will the House agree to the section?

Mr. RUFFENACH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 3, line 14, by inserting after the word "exists," the following: "except in the case of husband and wife"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Subsection (e) of section one of said act as last amended by section two of said act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred ninety) is hereby further amended to read as follows

Section 1 (e) Whenever any property real or personal is held in the joint names of two or more persons [except as tenants by the entirety] or is deposited in banks or other institutions or depositories in the joint names of two or more persons [except as husband and wife and payable to either or the survivor upon the death of one of such persons the right of the surviving person or persons entitled to the immediate ownership or possession and enjoyment of such property shall be deemed prima facie a transfer of one-half or other proper fraction thereof taxable under the provisions of this act in the same manner as though this part of the property to which such transfer relates belonged to joint tenants or joint depositors as tenants in common and had been bequeathed or devised to the surviving person or persons by such deceased joint tenant or joint depositor by will] so that upon the death of one of them the survivor or survivors have a right to the immediate ownership or possession and enjoyment of the whole property the accrual of such right by the death of one of them shall be deemed a transfer taxable under the provisions of this act of a fractional portion of such property to be determined by dividing the value of the whole property by the number of joint tenants The provisions of this section shall apply regardless of when such joint estate was first created

Whenever personal property is deposited in banks or other institutions or depositories in the joint names of two or more persons [except by a husband and wife as tenants by entireties] and one of the parties to such deposit shall die it shall be the duty of such bank or other institution or depository within ten days after knowledge of such death to notify the Department of Revenue of such death giving the name of such deceased person the date of creation of the joint deposit the amount [deposited] on deposit at date of death with such bank or other institution or depository and the name and address of the survivor or survivors to such account Any bank or other institution or depository which after knowledge of any such death shall fail immediately to notify the Department of Revenue as herein required shall be liable to a penalty of one hundred dollars ($100.00) to be recovered by the said department as debts of like amount are by law recoverable

On the question,

Will the House agree to the section?

Mr. RUFFENACH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 3, line 28, by striking out the bracket before the word "except" and by striking out the bracket after the word "entirety."

Amend section 2, page 4, line 1, by striking out the bracket before the word "except."

Amend section 2, page 4, line 2, by inserting a light-faced bracket before the word "and."

Amend section 2, page 4, line 25, by striking out the bracket before the word "except."

Amend section 2, page 4, line 26, by striking out the bracket after the word "entireties."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

They were agreed to.

The third, fourth, fifth and sixth sections were separately read and agreed to as follows:

Section 3 Section fifteen of the said act as last amended by the act approved the twelfth day of June one thousand nine hundred and twenty-three (Pamphlet Laws one thousand seventy-eight is hereby further amended to read as follows

Section 15 Every executor administrator legatee devisee trustee grantee or other person or corporation in possession or enjoyment of any property subject to the tax whether real or personal of a resident decedent shall file under oath or affirmation an inventory or schedule of such property giving its location in the office of the register of wills of the proper county within three months after the death of such resident decedent or within three months after acquiring such interest in any property subject to the tax herein provided for and in the case of executors and administrators such inventory or schedule shall include all real estate belonging to such decedent of which such executors or administrators have knowledge

Whenever said inventory or schedule is not filed in the register of will's office of the proper county within three months after the death of such resident decedent t..e register of wills shall apply to the orphans' court of the respective county by bill or petition citing the executors administrators legatees devisees trustees grantees or other persons or corporations in possession or enjoyment of said property to file said inventory or schedule whereupon the court having caused notice to be given to such executors administrators legatees devisees trustees grantees or other persons or corporations in possession or enjoyment of said property shall proceed according to equity to make such decrees or orders in the premises as the facts warrant

If any tax shall remain due and unpaid for one year after decedent's death the register of wills shall apply to the orphans' court by bill or petition to enforce payment of the same whereupon in the case of personal property the

orphans' court may cite the executors or administrators of the decedent whose estate is subject to the tax or any other person in possession of personal property belonging to such decedent's estate or derived from such estate and which is subject to the tax to file an account or to appear on a certain day and show cause why the tax should not be paid and where real estate is charged with the tax the court having first caused notice to be given to the trustee devisee grantee or other person or corporation acquiring or possessing such real estate and to such other persons as may be interested shall proceed according to equity to make such decrees or orders for the payment of the tax of such real estate as shall be just and proper

When personal service cannot be had notice shall be given for four weeks once a week in at least one newspaper published in the county and in the legal periodical designated by the rules of the court of the county for the publication of legal notices

If the tax shall be found to be due the delinquent shall pay the tax and costs

Whenever a safe deposit company trust company bank person or corporation has leased a safe deposit box to any person or persons and such lessee lessees or joint lessee shall die it shall be the duty of the safe deposit company trust company bank person or corporation within ten days after knowledge of such death or deaths to notify the Department of Revenue or the person designated by it of succh leased safe deposit box Immediately after acquiring knowledge of such death or deaths the safe deposit company trust company bank person or corporation shall refuse admittance to the safe deposit box unless an inheritance tax appraiser shall present to such safe deposit company trust company bank person or corporation an order from the Department of Revenue or the person designated by it directing such safe deposit company trust company bank person or corporation to permit the appraiser to examine the safe deposit box and to make an inventory of the contents of such safe deposit box in the presence of a representative of the estate and an officer or agent of such safe deposit company trust company bank or corporation or agent of such person Any safe deposit company trust company bank person or corporation who or which shall fail to notify the Department of Revenue or the person designated by it or permit the opening of a safe deposit box in violation of the provisions of this section shall be liable to a penalty of one thousand dollars ($1,000.00) to be recovered by the Department of Revenue as debts of like amount are by law recoverable

For the purpose of securing any needed information in the appraisement of property belonging to a resident decedent or in the collection of any tax due the register of wills or his deputy upon the application of the appraiser or parties in interest is hereby given the power to issue subpoenas to compel the production of books papers or documents by any person possessing the same as well as to compel the attendance of witnesses before the appraiser not earlier than three days from the service of such subpoena at a convenient place to be selected by the appraiser and for the purpose of such hearing the register of wills or his deputy is given the power to administer oaths or affirmations If any person being subpoenaed as aforesaid refuse or neglect to appear as commanded the register shall have the power to issue an attachment against said witness to compel his or her appearance according to the practice of the courts directed to the sheriff or any constable of the proper county for execution witnesses appearing before the appraiser in obedience to subpoena aforesaid shall be entitled to the same fees and mileage as are allowed by law to witnesses in the orphans' court

In the event the register of wills fails within the time herein mentioned to take the necessary proceedings as above outlined to secure the filing of the inventory or schedule of the property of a resident decedent or to collect the tax due then the [Auditor General] Department of Revenue shall have all the powers herein vested in th register of wills and at [his] its option may institute such proceedings and shall charge to said register of wills and deduct from any commissions or fees otherwise due him all costs expenses and attorney's fees incurred by the [Auditor General] Department of Revenue in connection with such proceedings

The [Auditor General] Department of Revenue in the settlement of accounts of any register may allow him costs of advertising and other reasonable fees and expenses incurred in the collection of the tax

Section 5 Section thirty-nine of the said act as last amended by the act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred and ninety-five) is hereby further amended to read as follows

Section 39 The lien of all taxes imposed by this act shall continue until the tax is settled and satisfied and shall be limited to the property chargeable therewith [All such taxes shall be sued for within five years after they are due otherwise they shall be presumed to have been paid and cease to be a lien as against any purchasers of real estate Provided however At any time within said five-year period if the inheritance taxes on the realty appraised are not paid the Department of Revenue shall have power to file a certificate under its seal certifying to such nonpayment which when filed in the prothontary's office of the county where such real estate is situated shall become a lien against decedent's real estate for a further period of five years from the date of such filing and such lien shall be indexed in the judgment index in the name of the decedent as defendant]

Section 6 This act shall become effective thirty days after its final enactment

The title was read as follows:

An Act to further amend the titles and subsection (e) and of section one and sections thirteen, fifteen and thirty-nine of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, as amended, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," by including notice in the title that said act defines as transfers and taxes the right of survivorship in property as to which such right exists; further defining the liability of such right of survivorship to taxation; extending the Commonwealth's lien; imposing certain duties upon safe deposit companies, trust companies, banks, persons, or corporations, who or which lease safe deposit boxes; and imposing penalties.

On the question,

Will the House agree to the title?

Mr. RUFFENACH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title, page 2, line 4, by inserting after the word "exists" the following: "except in the case of husband and wife."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Commtitee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2167, as follows:

An act to further amend section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by section one of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred seventy-four) is hereby further amended to read as follows

Section 1401 Liens of Taxes Interest Penalties and Other Accounts Due to the Commonwealth All State taxes imposed under the authority of any law of this Commonwealth now existing or that may hereafter be enacted and unpaid bonus interest penalties and all public accounts settled against any corporation association or person shall be a first lien upon the franchises and property both real and personal of such corporation association or person from the date of settlement and whenever the franchises or property of a corporation association or person shall be sold at a judicial sale all taxes interest bonus penalties and public accounts due the Commonwealth shall first be allowed and paid out of the proceeds of such sale before any judgment mortgage or any other claim or lien against such corporation association or person Provided however Where the lien of a ground rent mortgage or other lien created by or entered against a predecessor in title to such corporation association or person is discharged by a judicial sale the lien of the Commonwealth shall be transferred from the property sold to the fund realized from the sale and the purchaser shall take free of the lien of the Commonwealth notwithstanding that the fund may be insufficient to pay all or any part of the same and on distribution of the fund the Commonwealth's lien shall be postponed in payment to said lien or liens created by or entered against such predecessor in title but shall not be postponed in payment to local taxes or municipal claims Provided further That the Department of Revenue with the approval of the Attorney General and Auditor General may release from the lien of such taxes such part or parts of the real property of any corporation as may be requested by such corporation or owners or lien creditors thereof upon payment of such proportionate part of the taxes due as the value of the real property released bears to the value of all the real property buond by such lien and the department shall furnish the person or corporation paying such tax with a certificate showing the property released which certificate may be recorded in the office of the recorder of deeds of the county in which the land lies But the lien of transfer inheritance taxes shall be limited to the property chargeable therewith and unless such taxes shall be sued for within five years after they are due they shall cease to be a lien as against any purchaser of real estate

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2777 (Senate Bill No. 22), entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

The first, second, third and fourth sections were separately read and agreed to, as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 Definitions (a) The word "commission" shall mean any board of county commissioners in any

county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commissioner

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(m) "City" shall mean only a city of the third class

(n) All references to mayors, police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district within such city

(o) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 Registration Commissions Membership Actions by Vote of Majority of Members Record of Proceedings (a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of the commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

Section 4 Powers of Commissions Regulations Enforcement Correction of errors or Irregularities Cancellation of Registration Powers of Commissioners (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) To govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses on a matter pending before the commission (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

The fifth section was read as follows:

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Appointment of Clerks or Secretaries as Registrars Incompatible Offices (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county to act as such for the commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any inn lodging house or hotel within such city and to interrogate any lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 5, page 5, line 29, by striking out the words "Clerks or Secretaries" and inserting in lieu thereof: "Chief Clerk"

Amend Sec. 5, page 7, line 2, by striking out the word "and"

Amend Sec. 5, page 7, line 3, by inserting after the word "vouchers" the following: "and to register qualified electors who apply at the office of the commission for registration."

On the question,
Will the House agree to the amendments?
They were agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sections were separately read and agreed to as follows:

Section 6 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration counsel and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its dutes

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the passage of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 7 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 8 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 9 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists lists of voters voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 10 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 11 Watchers or Attorneys at Sessions of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or body of electors

Section 12 Candidates may be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

The thirteenth section was read as follows:

Section 13 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice (a) From and after the first day of July one thousand nine hundred and thirty-five each commission or any commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the sixty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the third day of September anything in this section to the contrary notwithstanding And providing further That in the year one thousand nine hundred

and thirty-five each commission shall arrange to have a registrar present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to September fourth

(b) The county commissioners shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of public education or school directors of each city or school district thereof shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration Provided That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 13, page 11, line 21, by inserting after the word "commissioner" the following "or the chief clerk of the commission"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question recurring,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 13, page 12, line 10, by striking out the words "a registrar" and inserting in lieu thereof the following: "two registrars"

Amend Sec. 13, page 12, line 16, by inserting after the word "fourth" the following: "Of the two registrars who shall sit in each election district prior to September fourth in the year one thousand nine hundred and thirty-five, one shall be a member of the party polling the highest vote within the election district at the preceding November election, and the other shall be a member of the party polling the second highest vote within the election district at such election. Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-five, and shall hold office only during such year. No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided, unless the county chairman of the proper party fails to make such suggestion on or before July fifteenth, one thousand nine hundred and thirty-five, in which case the commission may appoint any qualified person."

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker and members of the House, this is the third class cities permanent registration bill. It was introduced by Senator Reed of Dauphin County, passed the Senate and is now on second reading in the House.

The amendments which have been proposed by the gentleman from Berks, Mr. Hoopes, as I understand them, merely provide that instead of one registrar for one year after the bill goes into effect, there shall be two registrars. We feel that this is not necessary, that it will be an unnecessary expense to have two registrars, and that one of them can do the job efficiently. We, therefore, feel that the House should vote down these amendments.

Mr. HOOPES. Mr. Speaker, members of the House, I appeal to you to support this amendment. In third class cities at the present time there are two registrars in each precinct. This amendment, as the gentleman from Dauphin has just stated, applies only for the first year, when the registrars are making up what is to be the basis of the permanent registration lists. It has required two registrars to do this work heretofore.

Under this act, which is before you, if you will refer to the bottom of page 15, you will see that the registrar is required to record the information concerning each voter in permanent writing or typewriting in duplicate on cards. On other words, two cards have to be filled out and signed by the voter. If it has required two registrars in the past to do this work, it certainly will take two of them for the first year. After you once get your list made up, of course it will not be necessary, because the few that have changed or moved can easily be taken care of by one registrar, or by going to the County Commissioner's office.

This act does not go into effect until July 1st, and there are only to be three registration days, and it will be utterly impossible in many of the large districts in cities of the third class, like Reading, where there are seven, eight or nine hundred people to be registered, for one person to do the job in one day. It will take two persons working full time. Also, the amendment provides for majority and minority representation. The bill as proposed by the Senator from Dauphin would only have one party represented. By putting in two registrars, you will have the minority and majority parties represented, which you have had in the past.

These amendments will get the third class city representation started off on the right foot, and I ask the members of the House to vote "aye" on these amendments.

Mr. RUTH. Mr. Speaker, members of the House, for the cause of good clean government, we believe that the minority should be represented at all times. Therefore, we will ask the members to vote "aye" on these amendments, so that both the minority and majority may be represented.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER declared the ayes appear to have it.

Whereupon, a division was called for and ninety members having voted in the affirmative and forty-two in the negative the question was determined in the affirmative and the amendments were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourteenth section was read and agreed to as follows:

Section 14 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexng the registration cards

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

The fifteenth section was read as follows:

Section 15 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his resident (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) the designation of the political party of the elector for the purpose of voting at primaries (14) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (15) his height in feet and inches (16) the color of his hair (17) the color of his eyes and (18) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (19) the ward and election district in which the elector resides (20) the date of each election and primary at which the elector votes and (21) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 15, page 16, line 3, by striking out the word "resident" and inserting in lieu thereof the following: "residence"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, and twenty-seventh sections were separately read and agreed to as follows:

Section 16 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided From and after the first day of August one thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 17 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Commission and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 18 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which naturalization was affected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and times when his father was naturalized and that at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-one may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court where such naturalization took place or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 20 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 21 General Register—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 22 District Registers—The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to the public inspection at all times subject to reasonable safeguards rules and regulations

Section 23 Removal Notices—The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 24 Transfer of Registration—(a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to an-

other the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration or again register by personal application as provided by this act

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 25 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) At any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signatures of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 26 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Notice (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commissioner in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 27 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each four years the commission shall send such notices by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section twenty-eight of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

The twenty-eighth section was read as follows:

Section 28 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of the city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliation or beliefs

(e) The commission shall instruct each special inspector in his duties

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 28, page 28, line 14, by striking out the words "or to their political affiliations or beliefs" and inserting in lieu thereof the following: "but of the two special inspectors canvassing any election district, one shall be a member of the party polling the highest vote within such district at the last preceding November election, and the other shall be a member of the party polling the second highest vote within the district at such election. Each such person shall be suggested in writing by the county chairman of his party, unless such county chairman fails to make such suggestion within thirty days after written notice is given by the commission in which case the commission may appoint any qualified person."

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fourtieth, and forty-first sections, and the title were separately read and agreed to as follows:

Section 29 Corrected Street Lists Not later than the fifteenth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 30 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission may forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 31 Delivery of District Registers to Election officers (a) Not later than noon of the second day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed that the name address voting record and other data on each card may easily be made visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 32 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered Are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates List of Voters Elections and Primaries Counting Et Cetera of Names Checked as having Voted Sealing of Registers and Lists of Voters Return of Lists of Voters and Registers (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have last his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity by affidavit and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall make affidavit of his identity or continued residence in the election district or that he has not violated any such election laws

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) ..... 19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....
Address .....
..... Pennsylvania
Approved .....

Number of stub of ballot issued (or number of admission to voting machines)
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voters certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the electors signature is not readily legible shall print such electors name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voters certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election The voters certificates so bound shall constitute the ballot check list required by law to be kept by the clerks of election All voters certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters

(g) As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the list of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The list of voters and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 33 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(b) The commission shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voters certificates and registers hereby prescribed

Section 34 Cancellation of Registration Upon Failure to Vote Within Two Years Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days after publication of the information contained in the notice mailed as aforesaid at least one time in at least one newspaper of general circulation published in the city where such elector resides The commission shall cancel the registration of such elector unless within ten days after the publication of the information contained in the notice as aforesaid he appears in person before the commission and offers satisfactory proof that he has actually voted at a primary or general election within two years The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 35 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 36 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 37 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 38 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid

to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 39 Crimes and Penalties (a) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(b) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(c) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than three (3) years

(d) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(f) Any commissioner registrar inspector or registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to under an imprisonment of not more than one year

(g) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subponea certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially atlers or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(h) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(i) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 40 Partial Invalidity Legislative Intent It is the intention of the General Assembly that if this act cannot take effect in its entidety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 41 Repeals The act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violations of its provisions" and the various supplements and amendments thereto are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers depart-

ments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2037, entitled:

An Act to amend section eighteen of an act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly"

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section eighteen of the Act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

"Section 18 The Sheriff to whom the scire facias is given for service shall add to the writ as parties defendant all persons other than those named therein who may be found in possession of the property described or any part thereof and in case no one is found in possession by the sheriff he shall post a true copy of the writ on the most public part of said property and he shall add to the said writ the names of any persons not already named therein whom he may ascertain to have an interest in the property described or any part thereof which writ shall then be further served as follows

(a) By serving as in the case of a summons such of those named in the writ or added thereto as may be found in the county in which the writ issued and

(b) Where the sheriff has information that those named in the writ or added thereto or any of them may be found in any other county of this Commonwealth the said person shall be served as in the case of a summons by the sheriff of the county in which the said defendants or any of them may reside he being deputized for that purpose by the sheriff of the county in which the writ issues and

(c) In case any of those named in the writ or added thereto cannot be found by the sheriff or their residences within this Commonwealth are unknown to him or in case they reside without the Commonwealth the said writ may be served by advertising a copy thereof or a brief notice of the contents of the same once a week for three successive weeks in one newspaper of general circulation in the county and in the legal periodical if any designated by the court for that purpose Provided however that the foregoing provision relating to advertising in a newspaper and legal periodical shall not apply to a scire facias issued upon a claim which claim exclusive of penalties interests and costs is Fifty Dollars or less and further Provided however that any defendant may accept service of said writ in person or by counsel with the same effect as if duly served therewith by the Sheriff

Where the said writ or the brief notice of the contents thereof have been advertised as aforesaid or when in cases where advertising is not required a copy of the said writ has been posted as aforesaid the same shall have the same effect as if the writ had been personally served and all those named therein or added thereto as to whom publication or posting has been made shall file their affidavit of defense as required by the said writ within fifteen days after the date of the last weekly advertisement of the said writ when advertising is required or within sixty days after the posting of the said writ in cases where advertising is not required and all those named therein or added thereto who have been served as in case of a summons shall file their affidavit of defense as required by said writ within fifteen days after such service Service of any such writ may be made at any time within three months from the date on which it was issued but it shall be served and returned at the earliest date possible and the plaintiff may require its return at any time whether or not it be actually served"

On the question,

Will the House agree to the section?

Mr. CONDON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 21, by removing the quotation marks before the word "Section"

Amend Sec. 1, page 4, line 21, by removing the quotation marks before the word "served"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended.

It was agreed to.

The second section and the title were separately read and agreed to as follows:

Section 2 This act shall become effective and applied to writs of scire facias issued thirty days after its passage

An Act to amend section eighteen of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly."

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1137, entitled:

An Act to fix the time during which bills for service rendered by public service companies shall be payable at a discount and restricting the right to add and collect penalties except interest where discounts are not allowed in accordance with this act

The first and second sections were separately read and and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that every public service company as defined by the Public Service Company Law which bills the customers of its service monthly or periodically and allows a discount for prompt payment shall hereafter be required to allow such discount on any bill if paid within the time specified by this act as follows Bills rendered on any of the first fifteen day of any month shall be subject to discount if paid on or before the first day of the succeeding month bills rendered during the second half of the month beginning with the sixteenth day of the month shall be subject to discount if paid on or before the fifteenth day of the succeeding month

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-five

The title was read as follows:

An Act to fix the time during which bills for service rendered by public service companies shall be payable at a discount and restricting the right to add and collect penalties except interest where discounts are not allowed in accordance with this act

On the question,

Will the House agree to the title?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title of Act by striking out after the word "discount" in line 3, the rest of the line; all of line 4 of title; and the word "allowed" at the beginning of line 5.

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2294, as follows:

An Act to further amend paragraph ten of section three hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the Collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by further defining the moneys payable into the State Treasury to the credit of the Manufacturing Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that paragraph ten of section three hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lein of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the first day of June one thousand nine hundred thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

10 Manufacturing Fund All moneys received by the Treasury Department from the Department of Revenue arising from the industries established and maintained by [the Department of Welfare] the Department of Justice in State institutions and from the employment of inmates in maintenance activities and from the sale by the Department of Property and Supplies of unserviceable property originally paid for out of the Manufacturing Fund shall be credited to the Manufacturing Fund

Section 2 This act shall become effective the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2317 (Senate Bill No. 609), entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Secretary-elect of Internal Affairs will take charge of his office in a few minutes. It has been customary heretofore to give the members an opportunity to go over and congratulate the new official on taking office. As the present Secretary of Internal Affairs has many friends in this House, the Chair has decided to declare a recess at this time for about fifteen minutes, in order to give the membership an opportunity to walk over to the Department of Internal Affairs and congratulate Mr. Logue on assuming office.

RECESS

The SPEAKER. If there are no objections, the Chair will now declare a recess for fifteen minutes. The Chair hears none and declares a recess until 12:15 P. M.

AFTER RECESS

The House reconvened at 12:15 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

COMMITTEE APPOINTED TO INVESTIGATE TRANSPORTATION RATES ON BITUMINOUS COAL

The SPEAKER. In accordance with the provisions of Resolution No. 136, Printer's No. 812, the Chair appoints the following committee to investigate transportation rates on bituminous coal: Messrs. Haluska, Dent, John E. Brown, Stewart, Shugarts, Arnold and Schrock.

BILL ON THIRD READING

Mr. FINNERTY. Mr. Speaker, I desire to call up at this time House Bill No. 2007, Printer's No. 674, on page 20, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. FINNERTY,

The House resumed the consideration on third reading of House Bill No. 2007, entitled

An act providing that when any person held under arrest shall request the privilege and means of notifying his family or others of his arrest and imprisonment those persons in charge of such prisoner shall grant such request.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. FINNERTY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, last line of title, by adding after the word "request" the following: "and providing exceptions"; amend Sec. 1, page 1, line 4, by inserting after the word "arrest" the following: "except those charged with murder, treason, and kidnapping."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1928, as follows:

An Act providing for the administration of relief to the poor in cities of the first class by the Department of Public Welfare and further providing referendums to ascertain the will of the electors of the poor districts of said cities with respect to the abolishing of a poor district or districts therein

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in cities of the first class the administrative system for the purpose of furnishing relief to the poor destitute and paupers within the limits of of such cities shall be vested in the Department of Public Welfare and no other poor district agency or agencies shall hereafter exist or be maintained in any such city for the purpose of furnishing relief to the poor and all such poor districts and agencies now existing in any such city are hereby abolished

Section 2 Upon the taking effect of this act the title to all real and personal property books papers records accounts money effects equipment and supplies and all rights of action or rights to collect taxes imposed to the effective date of this act now owned by or vested in the various poor districts by this act abolished are hereby transferred to and vested in such cities of the first class

Section 3 The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any act repealed herein as being inconsistent therewith and all such rights accrued or vested shall be enforceable by the Director of Public Welfare of the cities of the first class as the Directors of Poor succeeding for this purpose the officers or directors of the poor by this act otherwise abolished

Section 4 Referendum Statement of Question on Ballots At the municipal election in the year one thousand nine hundred and thirty-five there shall be submitted in the manner provided by the election laws of the Commonwealth a question to determine the will of the electors of each Poor District in cities of the first class with respect to abolishing of a Poor District or Districts therein Such question shall be in the following form

Do you favor retention of the Poor District in its present form?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of the county and sufficient of ballots shall be furnished to the election officers in each election district of the county affected so that one ballot may be supplied to each voter at such election

Section 5 Returns and Computation of Votes The votes cast on such question shall be counted by the election officers and returns thereof made by them to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns The return board shall compute the said returns by Poor Districts and certify the results of the vote cast on the question to the legislative body of the municipality within the county Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections

Section 6 Future Referendums In any city of the the First Class the will of the electors with respect to a Poor District or Districts may after the year one thousand nine hundred and thirty-five but not oftener than once in ten years be ascertained and the question as provided in this act shall be submitted to the electors of any Poor District of such municipality upon demand in writing of petitioners equal to at least five per centum of the highest vote cast for any office in the said Poor District at the last preceding special general or municipal election Such petition shall be filed with the corporate authorities at least sixty days before the day of any special general or municipal election at which the question is to be submitted and if the petition is sufficiently sgned it shall thereupon be certified to the county commissioners who shall cause such qeustion to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five After any such vote a Poor District shall continue to operate as now provided by law or be abolished as herein before provided in accordance with the findings as expressed by the voters at such election

Section 7 Intent of Act It is the intent of this act to provide a method whereby the will of the electors of each Poor District with respect to abolishing of a Poor District or Poor Districts may be ascertained

Section [4] 8 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional except those sections relating to a referendum such decision shall not affect the validity of any of the remaining provisions of this act

Section [5] 9 The act repeals all acts and parts of acts general local or special or inconsistent herewith

Section [6] 10 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Furman,	Merrell,	Sinwell,
Aukerman,	Gates,	Moomaw,	Smith, J. A.,
Baine,	Gerard,	Mooney,	Smith, W. G.,
Baker, F. T.,	Gillette,	Moore,	Snyder, F. E.,
Baker, J J.,	Green,	Moran,	Snyder, J. L.,
Baldi,	Habbyshaw,	Moul,	Sowers,
Barber,	Haberlen,	Muir,	Spangler,
Barnhardt,	Hagerty,	Munley,	Sproul,
Bernhard,	Haluska,	Murrin,	Stank,
Blumberg,	Hamilton, F. P.,	Nagel,	Stevens,
Boose,	Harkins,	Nothnagle,	Stewart,
Boyd, R.,	Harmuth,	O'Keefe,	Stockham,
Boyer,	Hart,	Ominsky,	Stott,
Bradley,	Hartman,	O'Neill,	Sumney,
Brancato,	Hefferon,	Panton,	Surface,
Brennan,	Hermansen,	Parks,	Tahl,
Brown, H. S.,	Hetrick,	Patterson, C.,	Terry,
Brown, J. E.,	Hindman,	Patterson, J. W.,	Tronzo,
Brownfield,	Hirsch,	Pearson,	Trout,
Brumbaugh,	Hoffner,	Perry,	Tumelty,
Burke,	Holland,	Pfaff,	Turner,
Cannon,	Holstrom,	Phillips,	Van Allsburg,
Caputo,	Hoopes,	Piole,	Van Sickle,
Carr,	Horst,	Powers,	Walker,
Carson,	Jackson,	Reising,	Wall,
Chervenak,	Kelder,	Reynolds,	Wasserman,
Coakley,	Kelso,	Rhys,	Weidemann,
Cochran,	Kilroy,	Rinn,	Weiss,
Cohen,	Kinney,	Roan,	Welliver,
Coleman,	Klingler,	Robinson,	Welsh,
Condon,	Kobelak,	Rooney,	Westrick,
Coolahan,	LaRue,	Root,	White,
Davies,	Linderman,	Ruffennach,	Wickersham,
Decker,	Long,	Ruth,	Winner,
Denning,	Longaker,	Sarraf,	Witkin,
Dent,	Lovett,	Scanlon,	Wood,
Diehl,	Lynch,	Schrock,	Woodside,
Dilley,	Male,	Schrope,	Yeakel,
Downey, G. E.,	Mallen,	Schwab,	Yourishin,
Downey, J. J.,	Mason,	Schwartz,	Zappala,
Duffort,	McCreary,	Shaw,	Zimmerman,
Eroe,	McDermott,	Shepard,	Sarig,

NAYS—5

Castor,	Forrest,	Hamilton, R. S., Sloan,
Conner,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2497, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing the limiting of the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by providing for the licensing of secretaries of building and loan associations by the Department of Banking

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two hundred two of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 202 General Scope of Supervision Exercises of Discretion Granting of License A In addition to the powers and duties provided for in this act the department shall exercise any power and fulfill any duty im-

posed upon it by any other law of this Commonwealth Except where otherwise specifically provided the department shall enforce and administer all laws of this Commonwealth which relate to any institution and shall exercise such general supervision over institutions as will afford the greatest possible safety to depositors other creditors and shareholders thereof

B Whenever under this act discretion is vested in the department as to whether or the manner in which to exercise a power or fulfill a duty the department shall after such examination or investigation as it shall deem appropriate under the circumstances take such action as it deems to the best interests of the depositors other creditors and shareholders of such institution

C It shall be the duty of the department upon the payment of the license fees required by this section to issue licenses to secretaries of building and loan associations who shall be duly qualified under and shall comply with the provisions of this act

Applications for licenses as secretaries of building and loan associations shall be made in writing to the department upon a blank provided for the purpose by the department and shall contain such information as to the applicant as the department shall require The application shall be signed under oath or affirmation by the applicant and shall be accompanied by the recommendation of at least two citizens not related to the applicant who shall be owners of real estate within and residents of the county in which the applicant resides certifying as to the honesty truthfulness and good repute of the applicant and recommending that a license be granted to the applicant If the applicant shall have resided for less than one year in the county from which the application is made such application shall also be accompanied by the recommendation of at least two real estate owners not related to the applicant of each the counties where the applicant has formerly resided during the said period of one year prior to the filing of such application certifying to the honesty truthfulness and good repute of the applicant and recommending that the license be granted

No person shall be licensed as a secretary of a building and loan association by the department unless such person shall first submit to and pass an examination conducted by the department The department shall hold examinations at such times and at such places and under such rules and regulations as the department may prescribe

An individual may apply for and receive from the department a temporary permit to act as secretary of a building and loan association until the next regular examination but not more than two successive temporary permits shall be issued to any individual Any individual who fails to pass the examination at two successive examinations shall be ineligible for a similar examination until after the expiration of one full year from the time such individual took the last examination A fee of ten ($10) dollars shall accompany each application and in the event that the applicant successfully passes the examination no additional fee shall be required for the issuance of the license

The department may investigate any action of any licensed secretary and shall have the power temporarily to suspend or permanently to revoke licenses at any time when after due proceedings it shall find the holder thereof to have been guilty of knowingly making any substantial misrepresentation or of violating any of the laws relating to building and loan associations or of any other conduct whether of the same or of a different character than that hereinbefore specified which shall constitute a tort or when it shall be shown that the licensee within five years prior to the issuance of the license then in force was convicted in a court of competent jurisdiction of this or any other State of forgery embezzlement obtaining money under false pretenses extortion conspiracy to defraud or other like offense or offenses

Before refusing suspending or revoking any license the department shall in writing notify the applicant or licensee of the reasons therefor and the department shall afford the applicant or licensee ample opportunity to be heard thereon in person or by counsel If the applicant or licensee shall so desire the department shall grant him a hearing upon such charges to be held before the department and the Department of Justice At such hearing the applicant or licensee shall be entitled to examine either in person or by counsel any and all persons complaining against him as well as all other witnesses whose testimony is relied upon to substantiate any charges made The applicant shall also be entitled to present such evidence oral or written as he may see fit and as may be pertinent to the inquiry At such hearing all witnesses shall be duly sworn and stenographic notes of the proceedings shall be taken and filed as part of the record in the cause Any party to the proceeding desiring it shall be furnished with a copy of such stenographic notes upon the payment to the department of such fee as it shall by general rule or regulation prescribe therefor not exceeding however twenty-five cents per folio

The decision of the department in refusing suspending or revoking any license issued under this section shall be subject to review by the court of common pleas of Dauphin County upon petition for writ of mandamus or other appropriate remedy with the right of appeal to the applicant as in other similar cases

In the event that any licensee shall be convicted in this or any other State of forgery embezzlement obtaining money under false pretenses extortion criminal conspiracy to defraud or other like offense or offenses and a certified copy of the indictment be filed with the department or other proper evidence thereof be given to it the department shall have authority in its discretion to suspend the license issued to such licensee pending trial upon such indictment

After the revocation of any license no new license shall be issued to the same licensee within a period of one year from and after the date of such revocation nor at any time thereafter except in the sole discretion of the department

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Eroe,	McDermott,	Shortz,
Alexander,	Falkenstein,	McDevitt,	Shreiner,
Allen,	Ferko,	McElroy,	Shugarts,
Altenburg,	Finnerty,	McHenry,	Siegel,
Andrews,	Fitch,	McKinney,	Simon,
Arnold,	Flanagan,	Melchiorre,	Simpson,
Atkins,	Flinchbaugh,	Mentzer,	Sinwell,
Aukerman,	Forrest,	Merrell,	Sloan,
Baine,	Furman,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gates,	Mooney,	Smith, W. G.,
Baker, J J.,	Gerard,	Moore,	Snyder, F. E.,
Baldi,	Gillette,	Moran,	Snyder, J. L.,
Barber,	Green,	Moul,	Sowers,
Barnhardt,	Greenstein,	Muir,	Spangler,
Bernhard,	Habbyshaw,	Munley,	Sproul,
Blumberg,	Haberlen,	Murrin,	Stank,
Boose,	Hagerty,	Nagel,	Stevens,
Boyd, R.,	Haluska,	Nothnagle,	Stewart,
Boyer,	Hamilton, F. P.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Panton,	Surface,
Brown, H. S.,	Hartman,	Parks,	Tahl,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Peters,	Tumelty,
Cannon,	Hirsch,	Pfaff,	Turner,
Caputo,	Hoffner,	Phillips,	Van Allsburg,
Carr,	Holland,	Piole,	Van Sickle,
Carson,	Holstrom,	Powers,	Walker,
Castor,	Hoopes,	Reising,	Wall,
Chervenak,	Horst,	Reynolds,	Wasserman,
Coakley,	Jackson,	Rhys,	Weidemann,
Cochran,	Kelder,	Rinn,	Weiss,
Cohen,	Kelso,	Roan,	Welliver,
Coleman,	Kilroy,	Robinson,	Welsh,
Condon,	Kinney,	Rooney,	Westrick,
Conner,	Klingler,	Root,	White,
Coolahan,	Kobelak,	Ruffennach,	Wickersham,
Davies,	LaRue,	Ruth,	Winner,
Decker,	Linderman,	Sarraf,	Witkin,
Denning,	Long,	Scanlon,	Wood,

Dent,	Longaker,	Schrock,	Woodside,
Diehl,	Lovett,	Schrope,	Yeakel,
Dilley,	Lynch,	Schwab,	Yourishin,
Downey, G. E.,	Male,	Schwartz,	Zappala,
Downey, J. J.,	Mallen,	Shaw,	Zimmerman,
Duffort,	Mason,	Shepard,	Sarig,
Eberharter,			

NAYS—1

Hamilton, R. S.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2661, as follows:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by imposing the tax upon manufacturers selling goods wares and merchandise from the place of manufacture and upon certain venders or dealers heretofore clarifying the provisions relating to appeals and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1151) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act each retail vender of or retail dealer in goods wares and merchandise shall pay an annual mercantile license tax of two dollars and all persons so engaged shall pay one mill additional on each dollar of the whole volume gross of business transacted annually Each wholesale vendor of or wholesale dealer in goods wares and merchandise shall pay an annual mercantile license tax of three dollars and all persons so engaged shall pay one-half mill additional on each dollar of the whole volume gross of business transacted anually Provided That the provisions of this section shall not apply to the taxation for mercantile license purposes of [wholesale venders or wholesale dealers so engaged in the business of the processing and curing of meats their products and by-products] or retail venders or retail dealers engaged in compounding and dispensing medicines on prescriptions of physicians [but every wholesale vender or wholesale dealer so engaged]and every such retail vender or retail dealer so engaged shall pay the mercantile license tax herein imposed upon such proportion of its business if any which is not strictly incident or appurtenant to [the processing and curing of meats their products and by-products or] the compounding and dispensing of medicines on prescriptions of physicians [as the case may] be it being the object of this proviso to relieve from the mercantile licens: tax only so much of the whole volume gross of business transacted anually by [wholesale] venders or dealers as is realized from [the processing and curing of meats their products and by-products and so much as is realized] from the compounding and dispensing of medicines on prescriptions of physicians by retail venders or dealers Each dealer in or vender of goods wares or merchandise at any exchange or board of trade shall pay a mercantile license tax of twenty-five cents on each thousand dollars worth gross of goods so sold Any manufacturer selling goods wares and merchandise of his own manufacture from the place of manufacture shall be taxable under this act as either a wholesaler or a retailer as hereinafter defined by section two of this act

Section 2 That section six of said act as last amended by the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred eighty-one) is hereby further amended to read as follows

Section 6 It shall be the duty of each mercantile appraiser appointed under the provisions of this act to forward by mail at least ten days prior to the date when he makes a personal visit to the place of business of every person whom he is required by law to ascertain and assess a blank prepared for distribution by the Department of Revenue as hereinbefore provided It shall be the further duty of the mercantile appraisers after mailing the blank as hereinbefore provided in the several cities and counties of this State personally to visit the store or other place of business of every vender of or dealer in goods wares and merchandise and at the time of such visit to require each vender or dealer to make a return under oath or affirmation of the goods sold for the preceding calendar year on the blank forwarded and he is hereby empowered to administer an oath or affirmation for that purpose If the mercantile appraiser is dissatisfied with the return so made by the vender or dealer he shall ascertain and assess the merchantile license tax according to the classification so made He shall also leave a written or printed notice to be prepared and furnished by the Department of Revenue specifying the classification and amount of license money to be paid by such person to this State and also the time and place when and where an appeal will be held as required by law The appeal shall be held by the county treasurer acting in conjunction with the mercantile appraiser at such date as shall conform with law in all counties except where there is a board of mercantile appraisers in which case the board shall hear all appeals Any vender or dealer subject to the provisions of this act who is dissatisfied with the [rating] assessment so made by the Mercantile appraiser board of appraisers or the court the Mercantile appraiser and county treasurer who are required to hear him on the day so fixed for the with the finding of the county treasurer and mer- appeal if the vender or dealer is still dissatisfied cantile appraiser or board of appraisers [in reference to the proper classification of said vender or dealer] he shall have the right of appeal to the court of common pleas of the proper county which appeal the said court is required to hear and determine within twenty days after such appeal shall be taken or at the next sitting thereof If any person fails to attend the appeal before the county treasurer and mercantile appraiser shall have the right of appeal to the shall not thereafter be permitted in a suit for the recovery of said mercantile license tax to set up as a defense either that he is not a vender of or dealer in goods wares or merchandise or any other ground of defense which might have been heard and determined either by said county treasurer and mercantile appraiser board of appraisers or the court of common pleas on appeal as aforesaid

Section 3 The following acts and parts of acts are hereby specifically repealed

Section eleven of the act approved the twenty-second day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred eighty-six) entitled "An act to provide for the reduction of the public debt"

The act approved the twenty-seventh day of February one thousand eight hundred and sixty-eight (Pamphlet Laws forty-three) entitled "An act to declare the true intent and meaning of the eleventh section of an act to provide for the reduction of the public debt approved April twenty-second Anno Domini one thousand eight hundred and forty-six"

The act approved the ninth day of April one thousand eight hundred and seventy (Pamphlet Laws fifty-nine) entitled "A supplement to an act entitled 'An act to provide for the reduction of the public debt' approved

the twenty-second day of April Anno Domini one thousand eight hundred and forty-six"

Section 4 All other acts and parts of acts inconsistent with this act are repealed

Section 5 This act shall become effective immediately upon its final enactment and shall apply to all licenses procured on or after the first day of July one thousand nine hundred and thirty-five

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. CLIFF S. PATTERSON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2301, entitled:

An Act to amend section two of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws four hundred forty-two entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" by providing for armories for the tank regiment of the Pennsylvania National Guard

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws four hundred forty-two) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" is hereby amended to read as follows

Section 2 That the Armory Board as appointed is hereby empowered and directed to erect or provide anywhere within the limits of this Commonwealth upon such terms and conditions as shall be decided upon by said Armory Board as most advantageous to the Commonwealth armories for the use of the National Guard of Pennsylvania which armories shall be used for drill meeting and rendevouz purposes by the organization of the National Guard occupying same and in which shall be stored and safely kept all property of the United States or of the Commonwealth issued to such organization for military purposes

The Armory Board shall provide such armories as may be necessary to accomodate the various companies of the tank regiment of the Pennsylvania National Guard and to store and safely keep all property of the United States or of the Commonwealth issued to such organization for military purposes In the erection of such armories only those having honorable discharges from the army navy marine corps National Guard or other military forces of the United States shall be employed

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Cnstitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	Panton,	Surface,
Brown, H. S.,	Hart,	Parks,	Tahl,
Brown, J. E.,	Hartman,	Patterson, C.,	Tronzo,
Brownfield,	Hefferon,	Patterson, J. W.,	Trout,
Brumbaugh,	Hermansen,	Pearson,	Tumelty,
Burke,	Hetrick,	Peters,	Turner,
Cannon,	Hindman,	Pfaff,	Van Allsburg,
Caputo,	Hirsch,	Phillips,	Van Sickle,
Carr,	Hoffner,	Piole,	Walker,
Carson,	Holland,	Powers,	Wall,
Castor,	Holstrom,	Reising,	Wasserman,
Chervenak,	Horst,	Reynolds,	Weidemann,
Coakley,	Jackson,	Rhys,	Weiss,
Cochran,	Kelder,	Rinn,	Welliver,
Cohen,	Kelso,	Roan,	Welsh,
Coleman,	Kilroy,	Robinson,	Westrick,
Condon,	Kinney,	Rooney,	White,
Conner,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shepard,	

NAYS—1

Hoopes,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2296, entitled:

An Act to further amend section five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 896), entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for a tank regiment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, as a point of information, I would like to ask the sponsor of this bill to explain it.

Mr. FORREST. Mr. Speaker and members of the House, the provisions of this bill are very simple. It merely provides an amendment to the Act of 1921, establishing a Tank Corps Regiment for the National Guard.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Amenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Tahl,
Brown, J. E.,	Hartman,	Patterson, C.,	Terry,
Brownfield,	Hefferon,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hermansen,	Pearson,	Trout,
Burke,	Hetrick,	Peters,	Tumelty,
Cannon,	Hindman,	Pfaff,	Turner,
Caputo,	Hirsch,	Phillips,	VanAllsburg,
Carr,	Hoffner,	Piole,	VanSickle,
Carson,	Holland,	Powers,	Walker,
Castor,	Holstrom,	Reising,	Wall,
Chervenak,	Horst,	Reynolds,	Wasserman,
Coakley,	Jackson,	Rhys,	Weidemann,
Cochran,	Kelder,	Rinn,	Weiss,
Cohen,	Kelso,	Roan,	Welliver,
Coleman,	Kilroy,	Robinson,	Welsh,
Condon,	Kinney,	Rooney,	Westrick,
Conner,	Klinger,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shepard,	

NAYS—1

Hoopes,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2489, entitled:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penaltys therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

On the question,

Will the House agree to the bill on third reading?

Mr. SCANLON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the tenth line of the title on page 1 by striking out the word "therein" and inserting in lieu thereof the word "thereon";

Amend the seventeenth line of the title on Page 1 by striking out the word "or" after the word "increase" and inserting in lieu thereof the word: "of"

Amend Page 4, Line 16 by adding after the word "Avenue" the following: "thence over Hunting Park Avenue";

Amend Page 8, Line 8 by striking out the word "Lane" after the word "Park" and before the word "thence" and inserting in lieu thereof the word "Line"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to .

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 685, entitled:

An Act to amend the title and to reenact sub-section (b), as amended, of section thirty-five of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widows and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also generally dealing with the jurisdiction, powers and procedure

of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, F. E.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Panton,	Surface,
Brown, H. S.,	Hartman,	Parks,	Tahl,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Peters,	Tumelty,
Cannon,	Hirsch,	Pfaff,	Turner,
Caputo,	Hoffner,	Phillips,	VanAllsburg,
Carr,	Holland,	Piole,	VanSickle,
Carson,	Holstrom,	Powers,	Walker,
Castor,	Hoopes,	Reising,	Wall,
Chervenak,	Horst,	Reynolds,	Wasserman,
Coakley,	Jackson,	Rhys,	Weidemann,
Cochran,	Kelder,	Rinn,	Weiss,
Cohen,	Kelso,	Roan,	Welliver,
Coleman,	Kilroy,	Robinson,	Welsh,
Condon,	Kinney,	Rooney,	Westrick,
Conner,	Klinger,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2576, entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, J. A.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Panton,	Surface,
Brown, H. S.,	Hartman,	Parks,	Tahl,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Peters,	Tumelty,
Cannon,	Hirsch,	Pfaff,	Turner,
Caputo,	Hoffner,	Phillips,	VanAllsburg,
Carr,	Holland,	Piole,	VanSickle,
Carson,	Holstrom,	Powers,	Walker,
Castor,	Hoopes,	Reising,	Wall,
Chervenak,	Horst,	Reynolds,	Wasserman,
Coakley,	Jackson,	Rhys,	Weidemann,
Cochran,	Kelder,	Rinn,	Weiss,
Cohen,	Kelso,	Roan,	Welliver,
Coleman,	Kilroy,	Robinson,	Welsh,
Condon,	Kinney,	Rooney,	Westrick,
Conner,	Klinger,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2539, entitled

An Act to amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" by adding a new section thereto authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act and providing for the payment of all moneys received thereby into the General Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1122) is hereby further amended by adding at the end of said act the following new section to read as follows

Section 16 (A) The Secretary of Revenue is authorized to dispose of after advertisement and competitive bidding to the highest bidder upon such terms and conditions and at such times as the Secretary shall prescribe a copy of the official list of persons licensed under the provisions of this act No other copy of said list shall be disposed of unless otherwise authorized by law

(B) The purchaser of the official list of persons licensed under the provisions of this act is authorized to reprint and use the list for commercial purposes

(C) All moneys received by the Department of Revenue from the sale of the copy of such official list shall be paid into the Treasury Department and credited to the General Fund

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. PIOLE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2356, entitled:

An Act requiring the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to purchase articles produced manufactured made milled or mined in this Commonwealth regulating bids for contracts and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State shall when making any purchases whether direct or by contract purchase articles of every description produced manufactured made milled or mined in this Commonwealth Provided That such articles can be had at no increase in price over the price for which the same articles from without the Commonwealth can be purchased

Section 2 All bids on contracts to furnish any article or for work including the furnishing of materials shall separately specify the price for articles or materials produced manufactured made milled or mined in this Commonwealth and for those from without the Commonwealth Provided That in all cases the articles or materials furnished must meet the requirements of specifications

Section 3 In the case of manufactured articles the place where the same is assembled or made into the form in which it is supplied shall govern and not the place where the component parts or any of them are produced manufactured made milled or mined

Section 4 Any person making a purchase or executing a contract in violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed one thousand dollars ($1,000)

Section 5 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr. Speaker, may I interrogate the sponsor of this bill as a matter of information?

The SPEAKER. Will the gentleman from Franklin permit himself to be interrogated?

Mr. MOOMAW. Mr. Speaker, I will.

Mr. SPROUL. Mr. Speaker, I would like to say to the gentleman from Franklin that I had a similar resolution or bill in mind, and that I talked the matter over with the Department of Property and Supplies. May I ask if they are in favor of this bill? I ask the question because they feel that it might cause retaliation on the part of other states that now give preference to Pennsylvania in the case where price and quality are equal.

Mr. MOOMAW. Mr. Speaker, in answer to the gentleman from Delaware, I would say that I have not taken this matter up with the Department of Property and Supplies. I do fully realize that the Department of Property and Supplies do give preference to Pennsylvania products at the present time. However, there are a large number of other institutions, who are in our Commonwealth such as public schools, which are operated by state funds, and local tax funds coming from local taxpayers, and there are some who do not give preference to Pennsylvania products, even when they can be purchased at the same rate or even a less amount than the other products manufactured in some other state.

Mr. SPROUL. The reason I raise the point, Mr. Speaker, is because we in Pennsylvania believe we ship more to other states on the same basis than the amount of material that comes into our public institutions. Would it not be well to talk this matter over with that department or some other department rather than pass this bill without question?

Mr. MOOMAW. In other words, Mr. Speaker, does the gentleman desire that it be placed on the postponed calendar.

Mr. SPROUL. I think it would be better.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. MOOMAW. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2250, entitled

An Act providing for the payment from the General Fund to the Federal Government of certain moneys derived as not profits from Emergency Conservation Projects and lands acquired from the Federal Government.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill finally pass?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Tahl,
Brown, J. E.,	Hartman,	Parks,	Terry,
Brownfield,	Hefferon,	Patterson, C.,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Trout,
Burke,	Hetrick,	Pearson,	Tumelty,
Cannon,	Hindman,	Peters,	Turner,
Caputo,	Hirsch,	Pfaff,	Van Allsburg,
Carr,	Hoffner,	Phillips,	Van Sickle,
Carson,	Holland,	Piole,	Walker,
Castor,	Holstrum,	Powers,	Wall,
Chervenak,	Hoopes,	Reising,	Wasserman,
Coakley,	Horst,	Reynolds,	Weidemann,
Cochran,	Jackson,	Rhys,	Weiss,
Cohen,	Kelder,	Rinn,	Welliver,
Coleman,	Kelso,	Roan,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Conner,	Kinney,	Rooney,	White,
Coolahan,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2495, entitled

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said department in relation thereto.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Panton,	Surface,
Brown, H. S.,	Hartman,	Parks,	Tahl,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Perry,	Tumelty,
Cannon,	Hirsch,	Pfaff,	Turner,
Caputo,	Hoffner,	Phillips,	Van Allsburg,
Carr,	Holland,	Piole,	Van Sickle,
Carson,	Holstrum,	Powers,	Walker,
Castor,	Hoopes,	Reising,	Wall,
Chervenak,	Horst,	Reynolds,	Wasserman,
Coakley,	Jackson,	Rhys,	Weidemann,
Cochran,	Kelder,	Rinn,	Weiss,
Cohen,	Kelso,	Roan,	Welliver,
Coleman,	Kilroy,	Robinson,	Welsh,
Condon,	Kinney,	Rooney,	Westrick,
Conner,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2393, entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected

by tests providing for sales by butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Spangler,
Barnhardt,	Habbyshaw,	Muir,	Sowers,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stewart,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Panton,	Surface,
Brown, H. S.,	Hartman,	Parks,	Tahl,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Peters,	Tumelty,
Cannon,	Hirsch,	Pfaff,	Turner,
Caputo,	Hoffner,	Phillips,	Van Allsburg,
Carr,	Holland,	Piole,	Van Sickle,
Carson,	Holstrom,	Powers,	Walker,
Castor,	Hoopes,	Reising,	Wall,
Chervenak,	Horst,	Reynolds,	Wasserman,
Coakley,	Jackson,	Rhys,	Weidemann,
Cochran,	Kelder,	Rinn,	Weiss,
Cohen,	Kelso,	Roan,	Welliver,
Coleman,	Kilroy,	Robinson,	Welsh,
Condon,	Kinney,	Rooney,	Westrick,
Conner,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Zappala,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2541, entitled:

An Act providing that the Pennsylvania Rural Rehabilitation Corporation be recognized and designated as an agency of the Commonwealth to assist in the rehabilitation of individuals and families as self-sustaining citizens and authorizing the various officers boards courts and governing bodies of the Commonwealth engaged in the relief of destitution and unemployment to cooperate with said corporation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Eberharter,	Lynch,	Scanlon,
Alexander,	Eroe,	Male,	Schrope,
Allen,	Falkenstein,	Mallen,	Schwab,
Altenburg,	Ferko,	Mason,	Schwartz,
Andrews,	Finnerty,	McCreary,	Shaw,
Arnold,	Fitch,	McDermott,	Shepard,
Atkins,	Flanagan,	McDevitt,	Shortz,
Aukerman,	Flinchbaugh,	McElroy,	Shugarts,
Baine,	Forrest,	McHenry,	Siegel,
Baker, F. T.,	Furman,	McKinney,	Simon,
Baker, J J.,	Gates,	Melchiorre,	Simpson,
Baldi,	Gerard,	Mentzer,	Sinwell,
Barber,	Gillette,	Merrell,	Sloan,
Barnhardt,	Green,	Moomaw,	Smith, J. A.,
Bernhard,	Greenstein,	Mooney,	Smith, W. G.,
Boose,	Haberlen,	Moore,	Snyder, F. E.,
Boyd, R.,	Hagerty,	Moran,	Snyder, J. L.,
Bradley,	Haluska,	Moul,	Sowers,
Brancato,	Hamilton, F. P.,	Muir,	Spangler,
Brennan,	Hamilton, R. S.,	Munley,	Stank,
Brown, H. S.,	Harkins,	Murrin,	Stevens,
Brown, J. E.,	Harmuth,	Nagel,	Stewart,
Brownfield,	Hart,	O'Keefe,	Stockham,
Brumbaugh,	Hartman,	Ominsky,	Stott,
Burke,	Hefferon,	O'Neill,	Sumney,
Cannon,	Hermansen,	Panton,	Surface,
Caputo,	Hetrick,	Parks,	Tahl,
Carr,	Hindman,	Patterson, C.,	Terry,
Carson,	Hirsch,	Patterson, J. W.,	Tronzo,
Castor,	Holland,	Pearson,	Tumelty,
Chervenak,	Holstrom,	Pfaff,	Van Allsburg,
Coakley,	Hoopes,	Phillips,	Van Sickle,
Cochran,	Horst,	Piole,	Walker,
Cohen,	Jackson,	Powers,	Wall,
Coleman,	Kelder,	Reising,	Wasserman,
Condon,	Kelso,	Reynolds,	Weiss,
Davies,	Kilroy,	Rhys,	Welliver,
Decker,	Kinney,	Rinn,	Welsh,
Denning,	Klinger,	Roan,	Westrick,
Dent,	Kobelak,	Robinson,	Wood,
Diehl,	LaRue,	Rooney,	Yeakel,
Dilley,	Linderman,	Root,	Yourishin,
Downey, G. E.,	Long,	Ruffennach,	Zappala,
Downey, J. J.,	Longaker,	Ruth,	Zimmerman,
Duffort,	Lovett,	Sarraf,	Sarig,

NAYS—18

Blumberg,	Nothnagle,	Trout,	Wickersham,
Boyer,	Peters,	Turner,	Winner,
Conner,	Schrock,	Weidemann,	Witkin,
Habbyshaw,	Shreiner,	White,	Woodside,
Hoffner,	Sproul,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1564, as follows:

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred three) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improve-

ments and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two three four five six seven eight nine ten eleven twelve sixteen and seventeen of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred three) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where lands situated in one county now or hereafter shall be annexed to a borough situated in an adjoining county or where two or more boroughs are or hereafter shall be consolidated either or any of them being situated in different counties said lands which are so annexed or consolidated shall be governed for borough and school purposes as a part of the borough to which they are annexed or as a part of the newly consolidated borough and for county and poor purposes they shall be governed as a part of the county or poor district in which they are actually situated which said government shall be administered according to the general laws relating to boroughs school district counties and poor districts except as hereinafter otherwise provided

Section 2 Assessment for County and Poor Purposes The authorities in the county wherein the land is actually situated now or hereafter having authority to make the assessments on which the county and poor taxes are levied shall assess the taxable property within the lines of land lying in one county and annexed to or consolidated with a borough in an adjoining county and shall record the same in a separate book This assessment shall be made by the authority that would have made the assessment had the land not been annexed to or consolidated with the borough The owners of all property so assessed shall have the same right of appeal from this assessment as any other taxable in the same county

Section 3 Assessment for Borough and School Purposes The authorities within the county wherein is situated the borough to which such land has been annexed now or hereafter having authority to make the asesssment on which the borough and school taxes are levied or in case of a consolidated borough such authorities in the county in which a majority of the inhabitants of the borough resided at the time of such consolidation shall also assess the taxable property within the territory which is situated in one county and has been annexed to a borough or consolidated with a borough of larger population which is situated in an adjoining county and shall record the same in a separate book This assessment shall be made by the authority which would have assessed this land had it been in the same county as the borough to which it is annexed or with which it is consolidated The owner of any property so annexed or consolidated shall have the same right of appeal from this assessment as any other taxable in the same county as the borough or as any other taxable in the county containing at the time of consolidation the majority of the inhabitants of such consolidated borough

Section 4 The Levy and Collection of Taxes for County and Poor Purposes The authorities within the county wherein the land actually is located that now are or hereafter shall be authorized to levy and collect the county and poor taxes shall levy and collect the taxes for county and poor purposes in such district which is situated in one county and has been annexed to or consolidated with a borough situated in an adjoining county and this shall include taxes rendered necessary for the paying of the interest principal of and taxes on bonds issued for county and poor purposes All remedies now or hereafter given by law for the collection of county and poor taxes and taxes for bonds issued for county or poor purposes in the county wherein the land is actually situated shall be available for the collection of the taxes mentioned in this section of this act The assessment on which said taxes shall be levied shall be the assessment made by the proper authorities in the county wherein the land is actually situated

Section 5 The Levy and Collection of Taxes for Borough and School Purposes The authorities within the borough and school district to which the said land has been annexed that now are or hereafter shall be authorized to levy and collect taxes for borough and school purposes or in case of a consolidation of boroughs such authorities in the borough and school district as consolidated shall levy and collect the taxes for borough and school purposes in such territory which is situated in one county and has been annexed to or consolidated with a borough situated in an adjoining county and this shall include per capita school taxes and taxes rendered necessary for paying the interest and principal of and taxes on bonds issued for borough and school purposes All remedies against the persons or the personal property of the taxable now or hereafter given by law for the collection of the taxes for said purposes in said borough or school district shall be available for the collection of the taxes mentioned in this paragraph but said taxes can be collected out of the land subject to the same only in the county wherein the land is actually situated in the manner now or hereafter provided by law The assessment on which the taxes mentioned in this section shall be levied shall be the assessment made by the proper authorities in the county wherein is situated the borough to which said land has been annexed or wherein a majority of the inhabitants of such a consolidated borough resided at the time of such consolidation Land in one county and annexed to a borough in an adjoining county or consolidated with a borough in an adjoining county in which resided at the time of such consolidation a majority of the inhabitants of the consolidated borough and taxable property therein and person of the taxable residing therein shall not be liable for township taxes for road or other purposes or for school purposes or for per capita school taxes or for taxes for bonds issued for any township or school district purposes in the county wherein the land is actually situated

Section 6 Jurisdiction of Courts in Actions Arising in Such Territories All prosecutions and summary proceedings for violations within land situated in one county and annexed to or consolidated with a borough situated in an adjoining county of borough ordinances and the school laws and the laws relating to motor vehicles shall be had only in the county wherein is situated the borough to which the said land is annexed or in case of a consolidation of boroughs the county in which a majority of the inhabitants of the consolidated borough resided at the time of such consolidation and the several courts of record in said county are hereby given jurisdiction thereof but such prosecutions or proceedings may nevertheless be instituted before any court not of record located within the limits of such boroughs

All civil suits (except those arising out of reports of viewers as hereinafter stated) and all prosecutions and summary convictions for all other offenses misdemeanors and crimes committed within land situated in one county and annexed to a borough situated in an adjoining county or situated in one county and consolidated with a borough situated in an adjoining county in which resided at the

time of such consolidation a majority of the inhabitants of the consolidated borough shall be had in the court wherein the same would have been tried if said land had not been annexed to or consolidated with the said borough and the jurisdiction of the several courts of this Commonwealth to hear and determine the same shall not be affected in any way by the annexation or consolidation of such land to such borough except that the courts of the county wherein is situated the borough to which the land has been annexed or in which a majority of the inhabitants of the consolidated borough resided at the time of the consolidation shall have exclusive jurisdiction to hear and determine all prosecutions and summary convictions for violations within such land of borough ordinances the school laws and the laws relating to motor vehicles

Section 7 Municipal Improvements All laws now or hereafter giving authority to the borough to which such land has been annexed or to a consolidated borough to make any municipal improvement or improvements including the laying out and building of sewers the laying out and ordaining of streets and the establishment of the lines and grades thereof and the exercise of the right of eminent domain in connection with said authority and the grading curbing paving sewering and draining of streets and the assessing of abutting property for all or a part thereof shall be applicable to land situated in one county and annexed to or consolidated with a borough situated in an adjoining county and available to the borough to which such land has been annexed or to the consolidated borough and the proper authorities within the borough to which such land has been annexed or within the consolidated borough shall exercise such authority and jurisdiction in such land the same in all respects as though such land was in the same county [as the borough to which said land has been annexed] except that liens for the costs of said improvement or improvements shall be filed and prosecuted to judgment execution and sale only in the court of common pleas of the county wherein the land actually is situated In cases where viewers make the assessments of either benefits or damages the viewers shall be appointed by and report to the proper court in the county wherein is situated the borough to which said land has been annexed or the county in which a majority of the inhabitants of the consolidated borough resided at the time of such consolidation and appeals from and other proceedings relating to said viewers reports shall be had only in the court where the report of viewers is filed which said court is hereby given jurisdiction thereof with the right of appeal as in other cases But liens for benefits assessed by viewers shall be filed and prosecuted to judgment execution and sale only in the county wherein the land is actually situated which liens shall be based on the viewers reports that have been filed [in the county wherein the borough is situated] as herein provided

Section 8 Election Districts All land situated in one county and annexed to or consolidated with a borough situated in an adjoining county is hereby made a separate election district and it may be divided into more than one election district by the proper court of the county wherein the land is actually situated

Section 9 Jurisdiction of Courts in Regard to Elections The proper courts of the county wherein the land is actually situated shall have jurisdiction of all matters arising out of elections except that election contests (including primary election contests and other proceedings relating to primary elections) arising out of borough and school elections and elections in the matter of bonds for borough and school purposes and other questions relating to borough and school matters shall be tried in the proper court of the county wherein is situated the borough to which such land is annexed or of the county in which a majority of the inhabitants of a consolidated borough resided at the time of such consolidation and said courts are hereby given jurisdiction thereof

Section 10 Ballots The ballots used in any election district within land situated in one county which has been annexed to a borough situated in an adjoining county or consolidated with a borough situated in an adjoining county and having a larger population shall contain everything including the names of all candidates and also all questions relating to bond issues and any other thing and all Constitutional amendments that are printed on all ballots used in the county wherein the land is actually situated that is they shall contain everything that is common to all ballots used in said county but they shall not contain the names of the candidates for any ward borough township (except poor district) or school district officers within the county wherein the land is actually situated The ballots used at the primary elections shall however contain the names of all candidates for all party offices and party committees within such district the same as though such land had not been annexed to or consolidated with such borough

The ballots shall be prepared so as to include places to vote for all ward borough (except poor district) and school district officers of the borough and school district to which such land has been annexed or of such consolidated borough and school district together with the names of all candidates for such offices and all questions of borough and school district bond issues and all other questions relating exclusively to [the] such borough and school district [to which such land is annexed] This section relates to ballots used in such districts at either primary general municipal or special elections special elections to be held by the regular election officers and they shall be paid as now provided by law in such cases

Section 11 How Borough and School District Matters are Placed on the Ballot Petitions to have the names of candidates placed on the primary ballots used in any such district for ward borough and school district officers shall be filed with the county commissioners of the county wherein the borough is situated or in a case of consolidation of boroughs the county commissioners of the county in which is situated the borough having the largest population at the time of such consolidation and it shall be the duty of the county commissioners of said county within three days after the last day for filing such petitions to certify to the county commissioners of the county wherein the land is actually situated a list of the ward borough and school district offices to be filled and the names of all the candidates for the same and all questions to be printed on the ballots relating exclusively to borough or school district bonds or other borough or school district matters The county commissioners of the county where the land is actually situated shall prepare the primary ballots for all such districts as though this information and the said petition of candidates for ward borough and school district offices had been filed originally in their office All nomination papers for ward borough and school district offices within such district shall be filed in the office of the county commissioners of the county wherein is situated the borough to which such land has been annexed or which contained the largest population at the time of consolidation Within three days after the last day for filing nomination papers for ward borough and school district offices the county commissioners of the county wherein is situated the borough to which such land has been annexed or in case of a consolidation of boroughs the county commissioners of the county in which resided at the time of consolidation a majority of the inhabitants shall certify to the county commissioners of the county wherein such land is actually situated a list of all ward borough and school district offices to be filled at the next election together with the names of all candidates for the same who were nominated at the preceding primary or whose names were placed in nomination by nomination papers and all questions to be printed on the ballots relating exclusively to borough or school district bonds or other borough or school district matters

The county commissioners of the county wherein the land is actually situated shall print the ballots for all such districts as though this information had been filed originally in their office

Section 12 The Duties of Election Officers It shall be the duty of the election officers in all such districts to make a complete return of all primary elections to the county commissioners of the county wherein the land is actually situated and they shall also mail to the county commissioners of the county wherein such borough is

situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation a return sheet of the same in so far as it relates to ward borough and school district offices and votes on bond issues and other questions relating to borough and school district matters The blanks and postage for which return sheets shall be furnished by the county commissioners wherein the said borough or said larger population is situated The court or other authority whose duty it is to determine the result of any election for borough or school district bonds or other borough or school district questions shall consider these return sheets as part of the return of such elections and count same in determining the result of such elections

At elections (excluding primary elections) it shall be the duty of the election officers in such districts to make a complete return of said election to the proper court of the county wherein the land is actually situated and they shall also mail to the proper court in the county wherein such borough is situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation a return sheet thereof in so far as the same relates to ward borough and school district offices The blanks for said return sheets and the postage therefor shall be furnished by the county commissioners of the county wherein such borough or said larger population is situated The judges of election in all such districts shall meet with the other election judges of the borough or consolidated borough and with said other election judges determine who have been elected to the several ward and borough offices and issue election certificates to them the same as if said borough was all in one county

It shall also be the duty of the election officers to make a return to the proper court wherein such borough is situated or in which a majority of the residents of a consolidated borough resided at the time of consolidation giving the vote on all questions printed on the ballot which relate to borough and school district matters The blanks and postage for making this return shall be furnished by the county commissioners of [the] such county [wherein such borough is situated]

Section 16 The officers of the poor district shall be nominated and elected in said districts in the same manner as though said district were a part of the county in which the land is actually situated and had never been annexed to or consolidated with a borough in an adjoining county

Section 17 Special Borough and School District Elections In all cases where a special election to submit any question relating to borough or school district bond issues or other matters relating to borough or school district affairs is held on a day other than the day of a primary general or municipal election the ballots and supplies for the same shall be furnished by the county commissioners of the county wherein the borough is situated or the county in which the majority of the residents of a consolidated borough resided at the time of such consolidation and the same shall be paid for as now is or hereafter shall be provided by law Returns of such elections shall be made to the proper court of the county wherein the borough is situated or of the county in which the majority of the residents of a consolidated borough resided at the time of such consolidation and not elsewhere

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Brown, J. E.,	Hefferon,	Parks,	Terry,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Trout,
Burke,	Hindman,	Pearson,	Tumelty,
Cannon,	Hirsch,	Perry,	Turner,
Caputo,	Hoffner,	Pfaff,	VanAllsburg,
Carr,	Holstrom,	Phillips,	VanSickle,
Carson,	Holland,	Piole,	Walker,
Castor,	Holstrum,	Powers,	Wall,
Chervenak,	Hoopes,	Reising,	Wasserman,
Coakley,	Horst,	Reynolds,	Weidemann,
Cochran,	Jackson,	Rhys,	Weiss,
Cohen,	Kelder,	Rinn,	Welliver,
Coleman,	Kelso,	Roan,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Conner,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zappala,
Duffort,	Male,	Schwartz,	Zimmerman,
Eberharter,	Mallen,	Shaw,	Sarig,
Eroe,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1515, as follows:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by excluding certain brokers and agents

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred twenty-seven) is hereby further amended to read as follows

Section 2601 License Taxes for Revenue Purposes Council may by ordinance levy and collect a license tax for general revenue purposes not exceeding one hundred dollars each annually on all photographers auctioneers contractors druggists hawkers peddlers produce or merchandise venders bankers brokers other than real estate brokers undertakers pawnbrokers trading stamp or premium com-

panies or dealers warehouses or storage houses or places merchants of all kinds persons selling or leasing goods upon instalments grocers confectioners butchers wholesale meat dealers restaurants billiard parlors bowling alleys billiard tables pool tables and other gaming tables drays hacks carriages omnibuses automobiles carts wagons and street railway cars including all other vehicles used in the city for hire or pay all skating rinks operas theatres shows circuses menageries and all kinds of public exhibitions for pay except those for religious educational or charitable purposes all lumber dealers commission men and all persons who make a business of buying lumber for sale at wholesale or retail all furniture dealers saddle or harness dealers stationers jewelers livery or automobile or boarding-stable keepers all [real estate agents] markethouse companies and owners of markethouses garage companies and owners of other than private garages express companies or agencies and where no other license tax is imposed on telegraph telephone steam-heating gas natural gas water electric light or power companies or agencies or individuals furnishing communication light heat or power by any of the means enumerated and to regulate the collection of the same If any person firm or corporation conducts a business at more than one location in a city the business conducted at each location shall be considered and assessed as a separate and independent business and shall be subject to a license tax Provided That the word "business" as used in this clause shall not be construed to mean or include any place of business at which the principal business conducted is that of selling storing or distributing products manufactured by the firm person or corporation operating the business The taxes assessed under this section shall be in addition to all other taxes levied and collected by the city county or Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Ferko,	McDermott,	Shortz,
Alexander,	Finnerty,	McDevitt,	Shreiner,
Allen,	Fitch,	McElroy,	Shugarts,
Altenburg,	Flanagan,	McHenry,	Siegel,
Andrews,	Flinchbaugh,	McKinney,	Simon,
Arnold,	Forrest,	Melchiorre,	Simpson,
Atkins,	Furman,	Mentzer,	Sinwell,
Aukerman,	Gates,	Merrell,	Sloan,
Baine,	Gerard,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gillette,	Mooney,	Smith, W. G.,
Baker, J. J.,	Green,	Moore,	Snyder, F. E.,
Baldi,	Greenstein,	Moran,	Snyder, J. L.,
Barber,	Habbyshaw,	Moul,	Sowers,
Barnhardt,	Haberlen,	Muir,	Spangler,
Bernhard,	Hagerty,	Munley,	Sproul,
Blumberg,	Haluska,	Murrin,	Stank,
Boose,	Hamilton, F. P.,	Nagel,	Stevens,
Boyd, R.,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stockham,
Bradley,	Harmuth,	Ominsky,	Stott,
Brancato,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Peters,	Tumelty,
Caputo,	Hoffner,	Pfaff,	Turner,
Carr,	Holstrom,	Phillips,	VanAllsburg,
Carson,	Holland,	Piole,	VanSickle,
Castor,	Hoopes,	Powers,	Walker,
Chervenak,	Horst,	Reising,	Wall,
Coakley,	Jackson,	Reynolds,	Wasserman,
Cochran,	Kelder,	Rhys,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Roan,	Welliver,
Condon,	Kinney,	Robinson,	Welsh,
Conner,	Klinger,	Rooney,	Westrick,
Davies,	Kobelak,	Root,	White,
Decker,	LaRue,	Ruffennach,	Wickersham,
Denning,	Linderman,	Ruth,	Winner,
Dent,	Long,	Sarraf,	Witkin,
Diehl,	Longaker,	Scanlon,	Wood,
Dilley,	Lovett,	Schrock,	Woodside,
Downey, G. E.,	Lynch,	Schrope,	Yeakel,
Downey, J. J.,	Male,	Schwab,	Yourishin,
Duffort,	Mallen,	Schwartz,	Zappala,
Eberharter,	Mason,	Shaw,	Zimmerman,
Eroe,	McCreary,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2216, entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred and forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Muir,	Spangler,
Bernhard,	Habbyshaw,	Munley,	Sproul,
Blumberg,	Haberlen,	Murrin,	Stank,
Boose,	Hagerty,	Nagel,	Stevens,
Boyd, R.,	Haluska,	Nothnagle,	Stewart,
Boyer,	Hamilton, F. P.,	O'Keefe,	Stockham,
Bradley,	Hamilton, R. S.,	Ominsky,	Stott,
Brancato,	Harkins,	O'Neill,	Sumney,
Brennan,	Harmuth,	Panton,	Surface,
Brown, H. S.,	Hart,	Parks,	Tahl,
Brown, J. E.,	Hartman,	Patterson, C.,	Terry,
Brownfield,	Hefferon,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hermansen,	Pearson,	Trout,
Burke,	Hetrick,	Peters,	Tumelty,
Cannon,	Hindman,	Pfaff,	Turner,
Caputo,	Hirsch,	Phillips,	Van Allsburg,
Carr,	Hoffner,	Piole,	Van Sickle,
Carson,	Holland,	Powers,	Walker,
Castor,	Holstrum,	Reising,	Wall,
Chervenak,	Hoopes,	Reynolds,	Wasserman,
Coakley,	Horst,	Rhys,	Weidemann,
Cochran,	Jackson,	Rinn,	Weiss,
Cohen,	Kelder,	Roan,	Welliver,
Coleman,	Kelso,	Rooney,	Welsh,
Condon,	Kilroy,	Root,	Westrick,
Conner,	Kinney,	Robinson,	White,
Coolahan,	Klingler,	Ruffennach,	Wickersham,
Davies,	Kobelak,	Ruth,	Winner,
Decker,	LaRue,	Sarraf,	Witkin,
Denning,	Linderman,	Scanlon,	Wood,
Dent,	Long,	Schrock,	Woodside,
Diehl,	Longaker,	Schrope,	Yeakel,

Dilley,	Lovett,	Schwab,	Yourishin,
Downey, G. E.,	Lynch,	Schwartz,	Zappala,
Downey, J. J.,	Male,	Shaw,	Zimmerman,
Duffort,	Mallen,	Shepard,	Sarig,
Eberharter,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration House Bill No. 2477, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Gates,	Merrell,	Smith, W. G.,
Baker, J J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stott,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hart,	O'Neill,	Tahl,
Brown, J. E.,	Hartman,	Panton,	Terry,
Brownfield,	Hefferon,	Parks,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, C.,	Trout,
Burke,	Hetrick,	Patterson, J. W.,	Tumelty,
Cannon,	Hindman,	Pearson,	Turner,
Caputo,	Hirsch,	Perry,	Van Allsburg,
Carr,	Hoffner,	Pfaff,	Van Sickle,
Carson,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Kelder,	Rhys,	Welliver,
Coleman,	Kelso,	Rinn,	Welsh,
Condon,	Kilroy,	Roan,	Westrick,
Conner,	Kinney,	Robinson,	White,
Coolahan,	Klingler,	Rooney,	Wickersham,
Davies,	Kobelak,	Root,	Winner,
Decker,	LaRue,	Ruffennach,	Witkin,
Denning,	Linderman,	Ruth,	Wood,
Dent,	Long,	Sarraf,	Woodside,
Diehl,	Longaker,	Scanlon,	Yeakel,
Dilley,	Lovett,	Schrock,	Yourishin,
Downey, G. E.,	Lynch,	Shaw,	Zappala,
Downey, J. J.,	Male,	Schwab,	Zimmerman,
Duffort,	Mallen,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1738, as follows:

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" are hereby amended to read as follows

An Act relating to domestic animals and providing for their appraisement when [about to be slaughtered] condemned to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "salvage" as used in this act means the net proceeds an owner of a domestic animal at the time of appraisal and [slaughter] condemnation realizes from the sale of the live animal or the carcass hide and offal [to a butcher who actually slaughters the animal]

The word "condemned" as used in this act means that a domestic animal has been adjudged by an authorized officer or agent of the Department of Agriculture to be diseased and ordered to be slaughtered to prevent the spread of disease

Section 2 The Commonwealth hereby agrees to compensate owners of domestic animals [slaughtered] condemned to prevent the spread of disease Such compensation shall be determined as follows

(a) The amount of compensation paid by the Commonwealth together with the salvage and any compensation received by the owner from other sources shall not in any case exceed ninety per cent of the appraised value of the animal and

(b) The amount of compensation paid by the Commonwealth shall not in any case exceed the sum of sixty dollars for a horse jack or mule forty dollars for a nonregistered bovine animal seventy dollars for a pure bred registered bovine animal ten dollars for a pure bred registered sheep goat or pig

Claims for pure bred registered animals shall be supported by proper certificates of registration and transfer papers issued by recognized purebred registry associations

Section 3 Whenever to prevent the spread of disease an authorized officer or agent of the Department of Agriculture may deem it necessary to order any domestic animal to be [slaughtered] condemned the animal shall be appraised [before being slaughtered The] No animal that is dead or in a dying condition shall be appraised and no

compensation shall be payable for such an animal An authorized officer or agent of the department and the owner of the animal may appraise and agree upon a fair market valuation of the animal taking into consideration the physical condition of the animal its condition as to disease the nature and extent of the disease the present and probable future effects of the disease on the animal and the probable sums that may be obtained from salvage

Whenever the officer or agent of the Department of Agriculture and the owner of an animal are unable or unwilling to agree on a fair market valuation for the animal three appraisers shall be appointed one by the officer or agent one by the owner and one by the two so appointed If the owner shall refuse or fail to appoint his appraiser an alderman magistrate or justice of the peace shall upon request of an officer or agent of the department appoint an appraiser for the owner Each appraiser so appointed shall be sworn to perform faithfully his duties as appraiser and the alderman magistrate or justice of the peace shall be entitled to receive two dollars for his services

The three appraisers so appointed shall appraise the animal as provided by this section Each appraiser shall be entitled to receive three dollars for his services in appraising five or less animals five dollars in appraising more than five and not more than twenty-five animals and ten dollars for more than twenty-five animals so appraised One-half of the entire cost appraisal including the fee of the alderman magistrate or justice of the peace shall be paid by the owner and the other half by the Commonwealth If the owner refuses or fails to pay his share of the entire cost of appraisal the amount of the owner's share shall be deducted from any compensation that may be due the owner from the Commonwealth and the Department of Agriculture shall cause the owner's one-half share of the costs of appraisal to be paid to the appraisers and the alderman magistrate or justice of the peace in proper proportionate amounts

Section 4 An animal that has been appraised under this act shall be disposed of by the owner under the supervision of an authorized officer or agent of the Department of Agriculture in accordance with the laws of this Commonwealth and the rules and regulations adopted by the Department of Agriculture

The salvage shall be paid directly to the owner by the [butcher] buyer of the live animal or the buyer of the carcass hide and offal [who] The buyer shall promptly render an itemized statement of the salvage to the Department of Agriculture to enable it to determine the amount due by the Commonwealth to the owner

The Department of Agriculture shall have the power to adopt promulgate and enforce all needful rules and regulations for the enforcement of this act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.	O'Keefe	Stott,
Brancato,	Harkins,	Ominsky,	Summey,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Tabl,
Brown, J. E.,	Hartman,	Parks,	Terry,
Brownfield,	Hefferon,	Patterson, C.,	Tronzo,
Brumbaugh,	Hermansen	Patterson, J. W.,	Trout,
Burke,	Herrick,	Pearson,	Tumelty,
Blumberg,	Hindman,	Peters,	Turner,
Cannon,	Hirsch,	Pfaff,	Van Allsburg,
Caputo,	Hoffner,	Phillips,	Van Sickle,
Carr,	Holland,	Piole,	Walker,
Carson,	Holstrom,	Powers,	Wall,
Castor,	Hoopes,	Reising,	Wasserman,
Chervenak,	Horst,	Reynolds,	Weidemann,
Coakley,	Jackson,	Rhys,	Weiss,
Cochran,	Kelder,	Rinn,	Welliver,
Cohen,	Kelso,	Roan,	Welsh,
Coleman,	Kilroy,	Robinson,	Westrick,
Condon,	Kinney,	Rooney,	White,
Conner,	Klingler,	Root,	Wickersham,
Coolahan,	Kobelak,	Ruffennach,	Winner,
Davies,	Linderman,	Ruth,	Witkin,
Decker,	LaRue,	Sarraf,	Wood,
Denning,	Long,	Scanlon,	Woodside,
Dent,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2804 (Senate Bill No. 1015), entitled:

An Act to amend sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (Pamphlet Laws seven) entitled "An act to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to or from each" by requiring a majority vote in each city and in the intervening land voting on the question of consolidation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,

Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Tahl,
Brown, J. E.,	Hartman,	Parks,	Terry,
Brownfield,	Hefferon,	Patterson, C.,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Trout,
Burke,	Hetrick,	Pearson,	Tumelty,
Cannon,	Hindman,	Peters,	Turner,
Caputo,	Hirsch,	Pfaff,	Van Allsburg,
Carr,	Hoffner,	Phillips,	Van Sickle,
Carson,	Holland,	Piole,	Walker,
Castor,	Holstrum,	Powers,	Wall,
Chervenak,	Hoopes,	Reising,	Wasserman,
Coakley,	Horst,	Reynolds,	Weidemann,
Cochran,	Jackson,	Rhys,	Weiss,
Cohen,	Kelder,	Rinn,	Welliver,
Coleman,	Kelso,	Roan,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Conner,	Kinney,	Rooney,	White,
Coolahan,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2314, entitled:

An Act authorizing cities of the second class to issue and sell short term promissory notes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Tahl,
Brown, J. E.,	Hartman,	Parks,	Terry,
Brownfield,	Hefferon,	Patterson, C.,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Trout,
Burke,	Hetrick,	Pearson,	Tumelty,
Cannon,	Hindman,	Perry,	Turner,
Caputo,	Hirsch,	Pfaff,	VanAllsburg,
Carr,	Hoffner,	Phillips,	VanSickle,
Carson,	Holland,	Piole,	Walker,
Castor,	Holstrom,	Powers,	Wall,
Chervenak,	Hoopes,	Reising,	Wasserman,
Coakley,	Horst,	Reynolds,	Weidemann,
Cochran,	Jackson,	Rhys,	Weiss,
Cohen,	Kelder,	Rinn,	Welliver,
Coleman,	Kelso,	Roan,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Conner,	Kinney,	Rooney,	White,
Coolahan,	Klinger,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1816, entitled:

An Act empowering cities of the second class to levy assess and collect or to provide for the levying assessment and collection of an excise tax against electric light heat and power companies natural gas companies artificial gas companies water companies telephone companies steam heating companies and taxi-cab companies and certain individuals operating taxi-cabs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	Downey, G. E.,	LaRue,	Robinson,
Alexander,	Downey, J. J.,	Linderman,	Rooney,
Allen,	Eberharter,	Long,	Root,
Altenburg,	Eroe,	Longaker,	Ruffennach,
Andrews,	Falkenstein,	Lovett,	Ruth,
Arnold,	Ferko,	Lynch,	Sarraf,
Atkins,	Finnerty,	Male,	Scanlon,
Aukerman,	Fitch,	McCreary,	Schrock,
Baine,	Flanagan,	McDermott,	Schrope,
Baker, J. J.,	Flinchbaugh,	McDevitt,	Schwab,
Baldi,	Forrest,	McElroy,	Schwartz,
Barber,	Furman,	McHenry,	Shaw,
Bernhard,	Gates,	McKinney,	Shepard,
Blumberg,	Gerard,	Melchiorre,	Shortz,
Boose,	Gillette,	Mentzer,	Shugarts,
Boyd, R.,	Green,	Merrell,	Siegel,
Boyer,	Haberlen,	Moomaw,	Simon,
Bradley,	Hagerty,	Mooney,	Simpson,
Brancato,	Haluska,	Moore,	Sinwell,
Brennan,	Hamilton, F. P.,	Moran,	Sloan,
Brown, H. S.,	Hamilton, R. S.,	Moul,	Smith, J. A.,
Brown, J. E.,	Harkins,	Munley,	Smith, W. G.,
Brownfield,	Harmuth,	Murrin,	Snyder, F. E.,
Brumbaugh,	Hart,	Nagel,	Snyder, J. L.,
Burke,	Hartman,	Nothnagle,	Sowers,
Cannon,	Hefferon,	O'Keefe,	Stank,
Caputo,	Hermansen,	Ominsky,	Stevens,
Carr,	Hetrick,	O'Neill,	Sumney,
Carson,	Hindman,	Panton,	Tronzo,
Castor,	Hirsch,	Parks,	Trout,
Chervenak,	Hoffner,	Patterson, C.,	Tumelty,
Coakley,	Holland,	Patterson, J. W.,	VanAllsburg,

Cochran,	Holstrom,	Pearson,	VanSickle,
Cohen,	Hoopes,	Peters,	Walker,
Coleman,	Horst,	Pfaff,	Weiss,
Condon,	Jackson,	Phillips,	Welliver,
Coolahan,	Kelder,	Piole,	Welsh,
Davies,	Kelso,	Powers,	Westrick,
Decker,	Kilroy,	Reising,	Witkin,
Denning,	Kinney,	Reynolds,	Yourishin,
Dent,	Klinger,	Rhys,	Zappala,
Diehl,	Kobelak,	Rinn,	Sarig,
Dilley,			

NAYS—29

Baker, F. T.,	Muir,	Stott,	White,
Barnhardt,	Roan,	Tahl,	Wickersham,
Conner,	Shreiner,	Terry,	Winner,
Duffort,	Spangler,	Turner,	Wood,
Greenstein,	Sproul,	Wall,	Woodside,
Habbyshaw,	Stewart,	Wasserman,	Yeakel,
Mallen,	Stockham,	Weidemann,	Zimmerman,
Mason.			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2491, as follows:

An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the state and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended further regulating refunds further regulating the deposits of State moneys and the security therefor and providing additional penalties for late filing of certain reports

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that Sections five hundred three five hundred five and seventeen hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) are further amended to read as follows

Section 503 Refunds of State Taxes License Fees et cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys allged to have been paid to the Commonwealth [as the result of an error of law or of fact or of both law and fact] and to which the Commonwealth is not rightfully or equitably entitled and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose or to credit the account of the person association corporation body politic or public officer entitled to the refund All such petitions must be filed with the Board within two years of the payment [alleged to have been erroneously made] for which refund is requested except

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock or in case of a foreign corporation the valuation of its tangible property for bonus purposes or where a petition for refund filed by a bank title insurance or trust company involves the valuation of its shares of stock such petition must be filed with the Board within one year of the payment for which refund is requested

[(1)] (2) When the estate upon which any transfer inheritance tax has been erroneously paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue with one year from the termination of such litigation or ascertainment of such overvaluation

[(2)] (3) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the Board shall be filed within six months after the court shall have rescinded its order and adjudication

[(3)] (4) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconsitutional or under any interpretation of such provision subsequently held by such court to be erroneous In such case the petition to the Board shall be filed within five years of the payment of which a refund is requested.

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the Board be satisfied that the failure to file the report was not wilful that the report was actually filed within forty-five days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within the time allowed by law for the payment thereof without interest it may allow the petition and refund the amount of the penalty or any part thereof out of any appriation or appropriations made for the purpose or credit the acount of the person association corporation body poli-

tic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petition for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law [.] if the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the tax or bonus exclusively of penalty was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

(d) All petitions filed under this section shall be in such form as the board shall prescribe

(e) The action of the board on all petitions filed under this section shall be final

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or State supervisions and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largerly held by a few individuals and the length of time that said institution has been engaged in business under its charter Each such statement shall be verified by the oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2. Shall upon the receipt of notice of its selection as a depository of State moneys furnished a bond to secure payment of deposits and interest to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one-fourth of the total amount of the bond required Provided that when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured And provided further That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer of Bonds of the United States the Delaware River Joint Commission bonds of this Commonwealth or any municipal subdivision or county thereof [United States municipal or county bonds] to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market The said board may fix different rate of interest for active and inactive depositories and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day [of] on which any change in interest rates shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and three banks or trust companies in [other parts] any part of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located anywhere in [any of the counties above mentioned or in any other county of] the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars Provided however that in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank institution or trust company designated as an inactive depository

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsoever to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The Secretary shall however not vote on any question coming before the board

Section 1702 Failure of Corporation Association Exchange or Person to make Bonus or Tax Reports on Time If any corporation association exchange or person or the officer or officers of any corporation association or exchange shall neglect or refuse to furnish to the Department of Revenue within the time prescribed by law or any extension thereof granted by the Department of Revenue any bonus or tax report required by section seven hundred six seven hundred seven seven hundred eight seven hundred ten seven hundred thirteen seven hundred fourteen seven hundred sixteen or seven hundred twenty of this act it shall be the duty of the Department of Revenue to add to the bonus or tax of such corporation association exchange or person for each and every tax period for which such report was not so furnished the following percentages which shall be collected with the bonus or tax in the usual manner of settling and collecting such bonus or tax

On the first one thousand dollars of bonus or tax ten per centum on the next four thousand dollars five per centum and on everything in excess of five thousand dollars one per centum

Section 2 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and

effect as completely as if the part or parts held unconstitutional had not been included herein

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Tahl,
Brown, J. E.,	Hartman,	Parks,	Terry,
Brownfield,	Hefferon,	Patterson, C.,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Trout,
Burke,	Hetrick,	Pearson,	Tumelty,
Cannon,	Hindman,	Peters,	Turner,
Caputo,	Hirsch,	Pfaff,	Van Allsburg,
Carr,	Hoffner,	Phillips,	Van Sickle,
Carson,	Holland,	Piole,	Walker,
Castor,	Holstrom,	Powers,	Wall,
Chervenak,	Hoopes,	Reising,	Wasserman,
Coakley,	Horst,	Reynolds,	Weidemann,
Cochran,	Jackson,	Rhys,	Weiss,
Cohen,	Kelder,	Rinn,	Welliver,
Coleman,	Kelso,	Roan,	Welsh,
Condon,	Kilroy,	Robinson,	Westrick,
Conner,	Kinney,	Rooney,	White,
Coolahan,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2531, entitled:

An Act requiring State-aided medical and surgical hospitals to make certain reports to the General Assembly and denying further aid to a hospital unless such report is made

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Eberharter,	Mason,	Schwartz,
Alexander,	Eroe,	McCreary,	Shaw,
Allen,	Falkenstein,	McDermott,	Shepard,
Altenburg,	Ferko,	McDevitt,	Shortz,
Andrews,	Finnerty,	McElroy,	Shugarts,
Arnold,	Fitch,	McHenry,	Siegel,
Atkins,	Flanagan,	McKinney,	Simon,
Aukerman,	Flinchbaugh,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Haberlen,	Muir,	Spangler,
Boose,	Hagerty,	Munley,	Sproul,
Boyd, R.,	Haluska,	Murrin,	Stank,
Boyer,	Hamilton, F. P.,	Nagel,	Stevens,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stewart,
Brancato,	Harkins,	O'Keefe,	Stockham,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carr,	Hoffner,	Pfaff,	Van Allsburg,
Carson,	Holland,	Phillips,	Van Sickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Kelder,	Rhys,	Weiss,
Coleman,	Kelso,	Rinn,	Welliver,
Condon,	Kilroy,	Roan,	Welsh,
Conner,	Kinney,	Robinson,	Westrick,
Coolahan,	Klingler,	Rooney,	White,
Davies,	Kobelak,	Root,	Winner,
Decker,	LaRue,	Ruffennach,	Witkin,
Denning,	Linderman,	Ruth,	Wood,
Dent,	Long,	Sarraf,	Yeakel,
Diehl,	Longaker,	Scanlon,	Yourishin,
Dilley,	Lovett,	Schrock,	Zappala,
Downey, G. E.,	Lynch,	Schrope,	Zimmerman,
Downey, J. J.,	Male,	Schwab,	Sarig,
Duffort,	Mallen,		

NAYS—5

Habbyshaw,	Turner,	Wickersham,	Woodside,
Shreiner,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. TURNER. Mr. Speaker, I desire to call up at this time House Bill No. 9, Printer's No. 696, on page 20, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. TURNER.

The House resumed the consideration on third reading of House Bill No. 9 entitled

An Act to amend clause I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to light the streets highways and public places and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JOHN E. BROWN. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Delaware, Mr. Turner, permit himself to be interrogated?

Mr. TURNER. Mr. Speaker, I will.

Mr. JOHN E. BROWN. Mr. Speaker, I would like to inquire of the gentleman from Delaware if he has estimated the cost of this additional service, which he asks to be rendered by the local taxpayers.

Mr. TURNER. Mr. Speaker, in answer to the gentleman from Washington, Mr. Brown, of course I could not estimate the cost to any local taxpayer, because it would depend entirely upon whether second class townships decided to have lights; whether they decided to have water; how many fire plugs they might want to put in; how many street lights they might want to put in. It is entirely a local question and entirely in the hands of the local people.

Mr. JOHN E. BROWN. Mr. Speaker, I was not so much interested in the costs to any certain local taxpayer, but is it not possible to estimate the cost over the entire state, approximately.

Mr. TURNER. Mr. Speaker, it would not be possible to estimate the cost over the entire state in any way, because A township might decide to have it and X, Y and Z and all the rest of them might decide not to have it. It would be impossible in the second case, in any way to determine how far the local authorities might want to go in lighting and setting up fire plugs.

Mr. JOHN E. BROWN. Of course it would be necessary to know the number of villages and public places in the state, and we could consider that everyone of the occupants of those villages or public places would be perfectly satisfied to have a fire plug and the advantages of electric lights, as it was not going to cost them anything but the cost would apply to the local taxpayers, although they would receive no benefit.

I have estimated, just a rough estimate from the best information that I have, that it would cost between twenty-five and thirty million dollars to the local taxpayers of the state of Pennsylvania. Of course, that is only an approximation, but I believe my figures are low enough. Now, in these times, I would ask that no additional cost be placed on the local taxpayers. We have in the state of Pennsylvania a great many corporation towns, coal towns and places of that kind, that could compel the local taxpayer, probably twenty-five miles away, to put in fire plugs in their towns and furnish electric light.

Mr. Speaker, I would like to further interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Delaware permit himself to be further interrogated?

Mr. TURNER. Mr. Speaker, I am perfectly willing to be further interrogated, although I think the gentleman would be far better off if he made that as a speech.

Mr. JOHN E. BROWN. Yes, Mr. Speaker, I quite agree with the gentleman. I forgot myself.

Mr. Speaker, I would like to inquire of the gentleman from Delaware: Do you live in the country or in the city?

Mr. TURNER. Mr. Speaker, I live in a second class township, in the country. I am a farmer.

Mr. JOHN E. BROWN. Mr. Speaker, does the gentleman live in a village?

Mr. TURNER. Mr. Speaker, I say I live in the country.

Mr. WITKIN. Mr. Speaker, before the gentleman asks Mr. Turner any more questions, I think we had better stop.

Mr. JOHN E. BROWN. Mr. Speaker, I was just about to inquire if the gentleman has a fireplug? Does the gentleman have an electric light?

Mr. TURNER. Mr. Speaker, in answer to the gentleman from Washington, I would say that I do not personally have a fireplug. There is a fireplug within six hundred feet of my home, which is a requirement of the fire underwriters.

I might say that there is an electric light in front of my house, for which I have been paying personally for a period of twelve years, and the occupants of that house have probably paid for it for a period of thirty years.

If this bill is passed, I will say, frankly, that I am in the hope that the township will take over that light.

Mr. JOHN E. BROWN. Mr. Speaker, that is just what I wanted to get at. I have electric lights in front of a small property, and I believe it costs me between ten and fifteen dollars. I can have the light discontinued at any time, but at the present time my tenants want it and I am satisfied to pay for the light, without expecting the taxpayers to pay for it.

Mr. TURNER. Mr. Speaker, that is where we differ.

Mr. JOHN E. BROWN. Mr. Speaker, then I would ask the members of the House if they would please vote against this bill. I don't think the tax payers should stand this additional cost at the present time.

Mr. TURNER. Mr. Speaker and members of the House, I do not want to take up any more time of the House than I can help on what seems to me to be a very simple and a very plain little bill.

I live in a second class township. There are a great many residences and where the people would like to have electric light and fire protection throughout the township, and this bill which is now before you, was introduced by me at the request of the township supervisors and at the instance and the demand of the people of the township. Of course, if you are going to figure the cost to the people of Pennsylvania upon the basis that Mr. Brown figures it, you can start out by figuring it in every bill that is passed, by multiplying the number of third class cities or the boroughs or townships in the state and what those boroughs, townships or cities might do if given permissive legislation and we might multiply it until it became such a staggering sum that we would never pass anything.

This is merely a permissive bill which does not in any way compel any second class township to light up their streets or to put in fire protection.

In the cities we have permission for council to do these things and councils do them where they are demanded. In the boroughs we have the permission of the councils of the boroughs to put in electric lights and to supply fire protection through fire hydrants, and where they are needed in the boroughs they do it.

In your first class township you give to your township commissioners the authority to put in lights and to put in fire hydrants and fireplugs where they are needed. This is purely a home rule proposition. It merely goes a step

further in your second class townships and permits your second class townships to do the same thing you are permitted to do in your cities, your boroughs and your townships.

If you can't trust your supervisors, if the people in a local community can't control them, whether they are going to expend the money for lighting for fireplugs, that is an entirely different community from any I have ever seen in the state of Pennsylvania, and I do not see any reason why because there might be that condition in a particular community, if they don't want it, they can simply say to their supervisors, "We won't stand for it," and you won't have it. But there are communities where we would like to have it.

Let us have the opportunity in our community. This is a permissive bill.

Mr. DENT. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. TURNER. Mr. Speaker, I will.

Mr. DENT. Mr. Speaker, in all coal mining towns which are lit up now by power supplied by the coal operators, under this act if they chose and voted to have public lighting in the township and a fire hydrant system, would the local taxpayers be compelled to pay for that service in that particular instance?

Mr. TURNER. Mr. Speaker, I would say that under this act they would. When the gentleman from Westmoreland calls them coal mining towns, I assume he means the corporation towns where a large industry or where a coal mine supplies the light to that community at this time, I rather imagine that most of the taxes of that community are paid by the company.

Mr. DENT. Not any more, Mr. Speaker. There are a lot of private homes now in coal mining towns.

Under this act would it be possible for a hamlet, for a small village in a second class township to have lights at the expense of a farmer living at a remote distance from that particular village?

Mr. TURNER. Mr. Speaker, I think it would.

Mr. DENT. Mr. Speaker, under the guise of home rule, we often pass a lot of acts that we think are justified, but in your particular boroughs today they have this so-called privilege as Mr. Turner has stated to the House, if they vote to have the electric light and fire hydrants and so on. The people living within that borough, can have fire hydrants, water service and electric light service where the utility company can get enough profit on its investment to put that service into the outlying districts of the borough. They would have the same privileges in the townships, and the farmer who lives at a distance out in the country wouldn't have any more chance of getting electric light or fire service under the present act than he has today without any act. We have on numerous occasions to petition the Public Service Commission to enable us to have particular streets in a borough given water service by the company who renders water service in that borough. However, because of the fact that they have spent so much money for pipe lines and so forth for this particular street, if they don't get the required six per cent they won't give the service. I can see very readily that under this act the only person who would benefit most would be the fellows who live in or near the small village, and the man who is supposed to be for home rule for a township, who lived some distance out in the township would not get any benefits at all. I do not think it is fair to the farmer or to the person who lives any distance at all from the small village and I would ask you to vote "no."

Mr. REISING. Mr. Speaker, I would like to interrogate the gentleman from Delaware Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. Mr. Speaker, I will.

Mr. REISING. Mr. Speaker, would it not tend to increase the tax on real estate in the second class townships if this measure is made a law?

Mr. TURNER. Of course, every service of government that may be imposed increases the burden, and therefore, may in the end increase taxes. I think that is something this House ought to bear in mind in passing legislation.

Mr. REISING. Mr. Speaker, can the gentleman tell me whether or not the utility companies are for or against this measure?

Mr. TURNER. I don't know, Mr. Speaker. I never discussed it with any utility men.

Mr. REISING. Mr. Speaker and members of the House in my mind at this time and age when economic pressure is heavy on real estate taxpayers, I feel that we should use discretion in passing laws that would set up arrangements whereby the burden of taxation on the real estate owner may be made more unbearable than it is at the present time. As I see it I feel there should be no measure in the burden of the already over-burdened taxpayer in this state and we should vote this measure down at this time.

Mr. TURNER. Mr. Speaker and members of the House, I would just like to answer the gentleman from Westmoreland, Mr. Dent, on two propositions.

In the first place, as I understand the law if a township decides to put in street lights, a public utility must carry the lines no matter where they go. It is not a question of the cost in the original erection of the line. In the second place—and this also is for Mr. Reising—that while there may be an increase in cost in one sense, a great deal would depend upon the budget of the municipality, just like a borough or a township. On the other hand you must remember that there would be a reduction and a great reduction in the fire insurance costs of the community that has fire hydrants. In other words, the classification for rate purposes is much lower in the communities where you can get a fire hydrant within a certain number of feet of a dwelling or other buildings than there is in a community that is absolutely unprotected and there would be a saving in costs in the respect to the local taxpayer in that respect.

Just one other thing that occurs to me. The gentleman from Westmoreland referred to one part of a township being lighted or having service while the other part would not. Well, that might be true in any borough, that might be true in any first class township, that might be true in a third class city and yet you pass laws giving them the power to light their streets and put in fire hydrants, and if that is true in those communities, I cannot see how logically you can stand here and argue against this privilege being given to second class townships.

I repeat that it is merely permissant; it merely gives the opportunity to put in lights or fire hydrants if they so desire, and I don't believe that any set of supervisors

are going to increase taxes today. If they can't keep within their millage, they won't do it—they certainly won't increase them.

Therefore, I think this bill ought to pass.

Mr. RINN. Mr. Speaker, may I interrogate the gentleman from Delaware, Mr. Turner?

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. RINN. Mr. Speaker, may I ask the gentleman if he considers this is a good bill?

Mr. TURNER. Mr. Speaker, the gentleman has asked whether I consider this a good bill. I might say to the gentleman from Lehigh that I would not have introduced it if I had not thought it was a good bill.

Mr. RINN. Then, Mr. Speaker, I am for it.

Mr. McCREARY. Mr. Speaker, may I interrogate the gentleman from Delaware?

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. McCREARY. Mr. Speaker, I would like to ask the gentleman from Delaware if there is anything now to hinder any borough or second class township from introducing or instituting electric lights or water plugs without any law if they so see fit? Is there anything to prevent that?

Mr. TURNER. Mr. Speaker, under the present law, the township supervisors may create a light or a fire district and they may assess the cost of the lights or of the water for fireplugs against abutting property owners along the streets within that district.

Now that might answer one of the things that did not occur to me when I was being interrogated by the gentleman from Westmoreland, Mr. Dent, when he was talking about company towns. They could give the town authority to create an electric light or fire district and levy a special assessment which would be collected by the tax collector with his other taxes.

Mr. McCREARY. Mr. Speaker, I just want to make one thing clear or to get it clear in my head. Why do you need this bill when you now can do just what this bill stipulates you can do? The reason I am asking it is this, if this bill passes the people will have to petition against it, while if this bill is not enacted they will have to petition for it when they want it. That is the question I want to have cleared up if I can.

Mr. TURNER. Mr. Speaker, — —

REMARKS OF HON. THOMAS A. LOGUE, SECRETARY OF INTERNAL AFFAIRS

The SPEAKER. The Clair requests the Secretary of Internal Affairs, Hon. Thomas A. Logue, to address the House for a few moments.

Mr. LOGUE. Mr. Speaker and ladies and gentlemen of the House, I thank you very much for the privilege and opportunity of standing here before you. I have not yet found out what the Department of Internal Affairs consists of, but if and when I do find out, I want to say that those on this side of the House as well as my many good friends on the Republican side of the House will be one hundred percent welcome. I want to see you all. We can all work together, Republicans and Democrats, to put this old State in the position it belongs, the first Commonwealth of the United States.

On the question, recurring,
Shall the bill pass finally?

The SPEAKER. The gentleman from Delaware has the floor.

Mr. TURNER. Mr. Speaker, I really wanted the opportunity of yielding the floor to the Secretary of Internal Affairs and I now yield it to the gentleman from Erie, Mr. McCreary to see if he has any further questions he wants to ask.

Mr. McCREARY. Mr. Speaker, I think the interference sort of interfered with the completion of the answer.

Mr. TURNER. Then, Mr. Speaker, if I may be permitted to answer the question, as I understand it, under the present law the township supervisors may set up light or fire districts and they may levy a tax against property in those specific districts upon petition of the people of those districts so that if you have them in your company towns, incorporated towns and villages, you can still do it. The objection to that as we found it in our locality is that you get a few recalcitrants along the street who won't agree, they hang up all the rest of their neighbors and all the rest of the people, because they won't agree to go along, and, therefore, it makes it very difficult at times.

In the second place, it means the levying of a specific amount against the number of front feet of property which is also difficult and causes a great amount of dissatisfaction among the people. As I say, the people in the boroughs never hesitate, they never think about the street lights. If they live on "X" street and there is no light there, they are down at council complaining that there is no light. Therefore, why shouldn't you in a township give them the same privilege, and I think the same thing would result?

Mr. McCREARY. Mr. Speaker, have I time for a short statement?

The SPEAKER. There is a bill under discussion now. We are on House Bill No. 9, Printer's No. 696.

Mr. FURMAN. Mr. Speaker and members of the House, I believe that we ought to realize that the purpose back of this bill is excellent. It is workable in certain districts and there are other districts where it will not work, especially as the gentleman from Westmoreland has stated, in townships where you have coal mines and the coal companies furnish the light, heat and water. It would not be fair to tax the other residents of the township in that case, and for this reason I would suggest to the sponsor of this bill that he further postpone it to work out a solution rather than have a vote on it at this time.

Personally I will have to oppose the bill at this time although I feel there is some merit in it, and for that reason I suggest to the sponsor that he put this bill on the postponed calendar.

On the question recurring,
Shall the bill pass finally?

BILL POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. SCHWARTZ. Mr. Speaker, I desire to call up at this time House Bill No. 1962, Printer's No. 922, on page 10, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Schwartz.

The House resumed the consideration on final passage of House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1:1, 1:2, 1:3, 1:4, 1:5, 2:1, 2:2, 2:4, 2:5, 70:1, 70:2, 70:3 and, 73 to the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. SCHWARTZ. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SCHWARTZ. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 4, line 13, by striking out with heavy-faced brackets the word "December" and insert in lieu thereof "January"

Amend sec. 1, page 4, line 14, by striking out with heavy-faced brackets the words "thirty-five" and insert in lieu thereof "thirty-six"

Amend sec. 2, page 6, line 11, by striking out with heavy-faced brackets the word "recorder" and insert in lieu thereof "recorded"

Amend sec. 2, page 7, line 12, by inserting after the word "licensed" the following: "master plumber"

Amend sec. 4, page 15, line 4, by striking out the words "shall have the power to hear complaints made by licensed"

Amend sec. 4, page 15, line 5, by inserting after the word "board" the following: "shall have the power to hear complaints made by licensed"

Amend sec. 4, page 16, line 19, by striking out with heavy-faced brackets the figures "2.3" and insert in lieu thereof "2.4"

Amend Sec. 4, page 17, line 6, by striking out with heavy-faced brackets the word "Healh" and insert in lieu thereof "Health"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

RESOLUTION

CONGRATULATIONS EXTENDED TO HON. JOHN F. AND MRS. STONE

Mr. RUTH offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted:

In the House of Representatives, May 7, 1935.

Happiness, that mystery of life for which individuals and peoples have striven from the inception of time, can be attained only through the harmonious companionship of man and woman in the status of recognized matrimony.

As the milestones of years since the day that made them one are passed, husband wife ever increasingly find in each other the consolation and companionship that alone made life worth while.

Fifty-two years ago today, our brother, Honorable John F. Stone of Potter County, became a benedict. The long continued period of that status bespeaks its happiness and the joy of man and wife well mated; therefore, be it

Resolved, That the House of Representatives of Pennsylvania pause in the midst of its serious tasks and responsibilities to pay homage to Honorable John F. Stone and Mrs. Stone, and to wish them a great many more years in which to demonstrate the verity of married bliss; and, be it further

Resolved, That a copy of this resolution be presented to the newlyweds of more than half a century ago.

TIME EXTENDED ON BILL

Mr. TAHL. Mr. Speaker, I move that the time on House Bill No. 79, Printer's No. 857, entitled:

An Act to amend paragraphs (a) and (b) of section three hundred and thirteen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties, and repealing existing laws," increasing the amount of reserve required of stock and mutual casualty insurance companies and exchanges for certain outstanding losses.

on page 9 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 7, 1935.

Whereas, the Senate on Monday, May 6, 1935, concurred in a Concurrent Resolution, bearing Serial No. 198, inadvertently and without appreciating the full purport and effect of the said Resolution, and

Whereas, it is in the sense of the Senate that said resolution may have effects and consequences not intended either by the framers of the resolution or by the Senate when it so concurred, and now therefor

Be it resolved, that it is the sense of this Senate that said resolution should receive the careful and deliberate consideration of both the Senate and the House of Representatives, and for that purpose the House of Representatives be and is hereby respectfully requested to take proper and appropriate action to recall the said resolution from the Governor for the purpose aforesaid.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

RESOLUTION POSTPONED

Mr. MOOMAW. Mr. Speaker, I move that action on this resolution of the Senate be postponed until the resolution, which was passed last night and concurred in by the Senate, has been printed so that each member may have a copy for the purpose of studying the same.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker, I rise to concur in the motion, and may I suggest to the members of the House that the contents of the Momaw resolution, are so important that every member of the House ought to acquaint himself with the contents of that resolution.

I also ask the membership of the House to vote to defer action upon the Senate resolution seeking its recall until the resolution has been printed, so that every member can acquaint himself with the facts in connection therewith.

Mr. HOOPES. Mr. Speaker and members of the House, I fully concur in the motion, but I feel that I should say some think at this time to call attention to the fact that this resolution was passed last night without being read. Some of the "Whereas" clauses were read. When the vote was called for I jumped to my feet and addressed the Chair but I was not recognized and the motion was put through without anybody but the sponsor of the resolution knowing what was in it. I think it is a very good instance of haste making waste.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

GAVEL PRESENTED TO SPEAKER

Mr. YOURISHIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, on behalf of the citizens of the anthracite region and especially of one of the nicest and sweetest little towns in the heart of that region, namely, Sugar Notch in Luzerne County, I wish to state that the citizens have observed with interest the way the Speaker of this House has presided over the deliberations of this body. The citizens of Sugar Notch traveled down into the bowels of the earth and secured there a piece of coal of a kind that can only be found in the state of Pennsylvania—nowhere else in the world. From that piece of coal they have machined a gavel that they wish to present to the Speaker of this House in the hope that he will continue to preside in his fair manner over this House for a good many years.

Mr. Speaker, there is only one more thing that the citizens want to say with reference to this gavel and that is, you do not use it in the manner that you have been using the gavel that is now on your desk, because if you do it will fly into a thousand pieces.

The SPEAKER. The Chair takes this opportunity to sincerely thank not only the gentleman from Luzerne, Mr. Yourishin, but also the citizens of Luzerne County who have been responsible for this gavel.

The Chair sincerely appreciates the kind remarks made by the gentleman from Luzerne County, Mr. Yourishin. The Chair would also state that he believes that this gavel came at a very opportune time since the other one is rapidly breaking. The Chair has come to the conclusion that it can now use both. When the House is in one of its restless moments he can use the ivory gavel, and perhaps when the House is in its more peaceful moments, he can use the gavel of coal.

The Chair perhaps should state at this time that the Chair may have been remiss in not congratulating the members on the splendid order they have maintained during a part of the time.

The Chair realizes that while the routine work of the session is going on, it is very tiresome and boresome for the members to sit in their seats. The Chair has sat in them during many sessions and he fully understands the problems of the members. However, there is always a tendency to scold rather than to compliment. The Chair is human and is no exception to that rule.

The Chair, however, in all fairness to the members, wishes to compliment them on the splendid order they have kept during a considerable part of the session. At times they have been restless and disorderly, and the Chair itself at times has been impatient.

The Chair again thanks not only the gentleman from Luzerne and the citizens of Luzerne County, and especially those from Sugar Notch, but the Chair also wishes to thank the members for the order which they have maintained when important legislation has been before the House.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

STATEMENT BY MR. WOODSIDE

Mr. Woodside asked and obtained unanimous consent to make the following statement:

Mr. Speaker, before proceeding to speak on what I intend to speak about, I am reminded by the remarks that have been made by the Speaker of a gavel that was used during the session of 1923 when I was page to then Lieutenant-Governor, the Honorable David J. Davis, who had just returned from France. He, like our own Speaker, seemed to think that he was still driving stakes when he was using the gavel, and I recall that he broke three or four gavels, parts of which I still have in my home, and I was wondering how many our present Speaker would break and whether he would equal the record of the Honorable David J. Davis.

Mr. Speaker, I want to make a further statement. Last Tuesday afternoon there was a meeting called of the Commitee on Counties to consider a certain piece of legislation. At that meeting, if I recall rightly, there were seventeen members present, which was a rather large attendance, and certain action was taken on a certain measure for which the meeting was called. At that meeting the press accused the chairman of the committee of doing something which I think he did not do.

I do not think there is any member of this House on the Democratic side or the Republican side who will disagree with me when I say that the gentleman from Juniata, Mr. Hetrick, is one of the most sincere and one of the most honest members of this or any other body, and I think that they will agree with me that he has been perfectly fair and honest in every dealing as chairman of that committee.

To show you how easily a mistake can be made: In reference to the time of the committee meeting, one paper or group of papers which has been complaining that there was a misrepresentation as to the time of the meeting, and stated that that particular meeting would be held in the morning. That paper has also stated that a meeting would be called for the same purpose today and would be called at two o'clock. The paper also stated that that meeting which was called for today was called for eight o'clock. As a matter of fact, my understanding of it is that a meeting to consider a particular bill will be called this afternoon at three o'clock, and for that purpose I desire, Mr. Speaker, to interrogate the chairman of the Committee on Counties, the gentleman from Juniata Mr. Hetrick.

The SPEAKER. Will the gentleman from Juniata permit himself to be interrogated?

Mr. HETRICK. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, in order that there may be no misunderstanding by any of the members of the House, I now ask the gentleman when the Committee on Counties will meet for the purpose of considering the Moomaw-Moran bill.

Mr. HETRICK. Mr. Speaker, the clerk will announce in a very short time that the Committee on Counties will meet at 3:00 o'clock this afternoon to consider Bill No. 1373, the Moomaw-Moran bill.

Mr. WOODSIDE. What time did the gentleman say, Mr. Speaker?

Mr. HETRICK. Mr. Speaker, at 3 o'clock P. M. I think they have assigned us Room 325, but the clerk will verify that in a minute.

REPORT FROM COMMITTEE

Mr. ALEXANDER, from the Committee on Game reported as amended, House Bill No. 2315, entitled:

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine four hundred twenlve and sections five hundred twelve and seven hundred four as amended of th eact approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals, and amending, revising, consolidating and changing the law relating thereto," prohibiting the breeding, selling, possessing and using of fitches or weasels for hunting purposes, providing for the licensure of persons breeding, selling, possessing and using fitches or weasels, and imposing additional penalties.

BILL RE-REFERRED

Mr. EROE, returned from the Committee on Municipal Corporations with the recommendation that it be re-referred to the Committee on Labor, House Bill No. 2253 entitled:

An Act requiring the Commonwealth, political subdivisions, persons, firms and corporations to stipulate, in specifications upon which contracts for the construction, alteration or repairs of any work or improvement are entered into, the minimum wages to be paid to laborers and mechanics; and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties; and prescribing penalties.

The SPEAKER. The bill is now re-referred to the Committee on Labor.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 6, 1935.

Resolved (if the Senate concur) that House Bill No. 775, Printer's No. 821, entitled "An act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Tresury and requiring the Department of Agriculture to enforce the provisions of this act," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numberd and entitled as follows:

HOUSE BILL No. 1267.

An Act to repeal the act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws six hundred sixty-five) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof"

HOUSE BILL No. 1268.

An Act to repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred fifty) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof"

HOUSE BILL No. 1633.

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-five) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 520.

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

SENATE BILL No. 560.

An Act authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgment or liens one to be known as the general judgment or lien index or docket and the other to be known as the in rem judgment or lien index or docket

SENATE BILL No. 616.

An Act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class

SENATE BILL No. 712.

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed registered and in active operation

SENATE BILL No. 631.

An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofore prescribed by the act

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The following members are requested to meet immediately after this session in the Conference Room, Messrs. Ruth, Brownfield, Schwartz, Nothnagle, Robinson, Furman, Longaker, Baldi and Dent.

The Committee on Banking will meet immediately after this morning's session in room 323.

The Committee on Law and Order will meet at 2:00 P. M. today in room 324.

The Committee on Corporations will meet at 2:30 P. M. today in room 324.

The Committee on Public Health and Sanitation will hold a public hearing on House Bill No. 1959 at 2:30 P. M. today in the Hall of the House.

The Committee on Counties will hold a special meeting today at 3:00 P. M. in room 325.

The Committee on Counties will hold a public hearing of House Bill Nos. 1643 and 1644 at 8:00 P. M. today in the Senate Chamber.

The Committee on Judiciary Special will not meet today.

The Committee on Labor will not meet today.

The Committee on Education will meet tomorrow at 9:15 A. M. in room 326.

The Committee on Pensions and Gratuities will meet tomorrow morning at 9:30 A. M. in room 324.

The Committee on Insurance will meet tomorrow morning at 10:00 A. M. in room 324.

The Committee on Judiciary General will meet tomorrow morning at 10:00 A. M. in room 325.

The Committee on State Government will meet tomorrow morning at 10:00 A. M. in room 323.

The Committee on Boroughs and Townships will meet tomorrow morning at 10:30 A. M. in room 326.

The Committee on Counties will meet tomorrow at 10:30 A. M. in room 324.

The Committee on Municipal Corporations will meet immediately after tomorrow morning's session in room 324.

The Committee on Municipal Corporations will hold a public hearing on House Bill No. 370 at 2:30 P. M. tomorrow in the Hall of the House.

The Committee on Agriculture will meet tomorrow at 4:30 P. M. in room 324.

The Committee on Corporations will not meet tomorrow.

The Committee on Military Affairs will not meet tomorrow.

ADJOURNMENT

Mr. CARR. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 A.M.

The motion was agreed to, and (at 1:55 P. M.) the House adjourned until Wednesday, May 8, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, MAY 8, 1935 No. 59

SENATE

WEDNESDAY, May 8, 1935.

The Senate met at 11 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Our Heavenly Father, we are standing on the threshold of Mothers' Day, one of our most suggestive and sacred holidays, set apart for our special observance by the Legislature of our State and by the Congress of our nation.

What tender memories this day will revive! How it will carry each of us back to his childhood experience: to the fireside surrounded by familiar faces, the sweetest and most beautiful being that of mother. She it was who made home mean so much. To her we brought our joys and sorrows, our victories and defeats, and to her we told our most sacred secrets, finding her ever willing to hear and ever quick to sympathize.

We love and honor our mothers if they still survive. We cherish and revere their memories if they have departed from us. May our thoughts of home and mother make us better men, better husbands, better fathers, better citizens and better legislators. Help us all to live the lives our mothers would have us live, both in public and in the privacy of home. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

PETITIONS

PROTESTING AGAINST SENATE BILL NO. 204

The Chair cleared his table and laid before the Senate petitions from numerous township school directors in Allegheny County protesting against Senate Bill No. 204.

Which were referred to the Committee on County Government.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

Mr. GRAFF presented petitions signed by members of several churches in Armstrong County protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

REPORTS FROM COMMITTEES

Mr. STAUDENMEIER from the Committee on County Government reported as committed, Senate Bill No. 1140, entitled:

An Act to amend section one of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid persons and corporations into the county treasury," by limiting the time within which applications therefor may be made.

Mr. COYNE from the Committee on County Government reported as committed, Senate Bill No. 1006, entitled:

An Act to amend sections four hundred and twenty-three and five hundred and seventy-one of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the collection of county, township and school taxes by the county commissioners in certain cases; conferring power on school districts and townships with respect to the collection of their taxes; and providing that the bonds of township tax collectors shall be fidelity bonds.

Mr. TRAINER from the Committee on County Government reported as committed, Senate Bill No. 1184 (House Bill No. 1221), entitled:

An Act to amend a part of section one of the act approved the twelfth day of May, one thousand nine hundred and eleven (P. L. 301), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens.

Mr. MILLER from the Committee on Game and Fisheries re-reported as amended, Senate Bill No. 420 (House Bill No. 181), entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line.

Also from the Committee on Forests and Waters reported as committed, Senate Bill No. 788 (House Bill No. 676), entitled:

An Act to amend sections one and two of the act approved the fifth day of May one thousand nine hundred and thirty-one (P. L. 91) entitled "An act authorizing the Department of Forests and Waters in certain instances and with the approval of the Governor to construct improve or repair at the expense of the Commonwealth portions of roads or highways connecting roads or highways lying within areas of State forest lands with State county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property.

Mr. REED (Dauphin) from the Committee on Labor and Industry reported as amended, Senate Bill No. 39, entitled:

An Act for the protection of the health, safety and welfare of women and minors in any occupation, trade or industry, except domestic service in private homes, farm labor and newspaper boys, by regulating, under the police power of the Commonwealth, the minimum wage which shall be paid to such women and minors; providing for wage boards, their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health, safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage; defining the powers of and imposing duties on courts, the Attorney General, the Department of Labor and Industry, and the Secretary of Labor and Industry; imposing certain duties on employers; and requiring certain records to be kept and information to be furnished by them; prohibiting contracts for, and payment of, less than the minimum wage standards; and providing penalties.

Also from the Committee on Labor and Industry rereported as amended, Senate Bill No. 759 (House Bill No. 371), entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor.

Mr. RANKIN from the Committee on Education reported as committed, Senate Bill No. 1215 (House Bill No. 2222), entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth.

BILLS INTRODUCED

Mr. NORTON read in his place and presented to the Chair, Senate Bill No. 1290, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three, (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," regulating the refunding of taxes where appeals are finally disposed of.

Which was committed to the Committee on County Government.

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 1291, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1292, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1293, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Mr. McCLURE read in his place and presented to the Chair, Senate Bill No. 1294, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, by providing that bonds or other obligations issued by a municipal corporation secured alone upon assessments for public improvements and afterwards made valid debts of the municipal corporation by act of the Assembly may be funded by the issuance of bonds pursuant to the provisions of this act.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair, Senate Bill No. 1295, entitled:

An Act to ratify, confirm and validate as debts of the municipality improvement bonds or obligations by any other name issued by municipal corporations for the payment of the cost of public improvements for the purpose of paving or macadamizing or otherwise improving the roadway of any highway, street or alley or part thereof in any such municipality, or for the payment of the cost of construction of any sewer or sewers, which improvement bonds or obligations were to rest alone for their security and payment upon assessments upon property for such cost, and to authorize the municipal corporation to fund such debts by the issuance of bonds and to provide for their payment.

Which was committed to the Committee on County Government.

Mr. HOWELL read in his place and presented to the Chair, Senate Bill No. 1296, entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-five (Act No. 52), entitled "An act authorizing the abatement of certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes," by providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive benefits of said act.

Which was committed to the Committee on Municipal Government.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 4, as follows:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" is hereby amended to read as follows

An Act relating to dogs and the protection of live stock [and poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock [and] poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury [and making an appropriation thereof] and providing penalties

Section 2 That section two of said act as amended by section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 833) is hereby further amended to read as follows

Section 2 For the purpose of this act the following terms shall have the following meanings respectively designated for each

The term "live stock" shall include horses stallions colts geldings mares sheep rams lambs bulls bullocks steers heifers cows calves mules jacks jennets burros goates kids swine confined domesticated hares and rabbits

The term "poultry" shall include all domestic fowl

The term "domestic game bird" shall include all game birds as defined by the "Game Law" of the Commonwealth which are kept in captivity

The word "person" shall include State and local officers or employes individuals corporations copartnerships and associations Singular words shall include the plural Masculine words shall include the feminine and neuter

The word "owner" when applied to the proprietorship of a dog shall include every person having a right of property in such dog and every person who keeps or harbors such dog or has it in his care and every person who permits such dog to remain on or about any premises occupied by him

The term "kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding sale or show purposes and which is so constructed that dogs cannot stray therefrom

The term "police officer" shall mean any person employed or elected by this Commonwealth or by any municipality county or township and whose duty it is to preserve peace or to make arrests or to enforce the law The term includes State constabulary game fish and forest wardens

Section 3 That section nineteen of said act is hereby amended to read as follows

Section 19 It shall be the duty of every police officer to seize and detain any dog or dogs which bear a proper license tag and which are found running at large either upon the public streets or highways of the Commonwealth or upon the property of other than the owner of such

dogs and unaccompanied by the owner or keeper Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog or dogs which have been found running at large unaccompanied by the owner or keeper when such police officer is in immediate pursuit of any such dog or dogs

It shall be the duty of every police officer to kill any dog which does not bear a proper license tag which is found running at large The Chief of Police or his agents of any city borough town and township the high constable of any borough or the constable of any borough not having a high constable and the constable of any incorporated town or township shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed and shall cause immediate notice either personal or by registered mail to be given to the person in whose name the license was procured or his agent to claim such dog within ten days The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention under the provisions of this section before the dog is returned

Section 4 That sections twenty-six twenty-nine and thirty of said act as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1036) are hereby further amended to read as follows

Section 26 Whenever any person sustains any loss or damage to any live stock or poultry or to game birds raised in captivity and while confined within an inclosure by dogs or sustains loss of live stock from rabies or any live stock or poultry or game bird raised in captivity and while confined within an inclosure of any person is necessarily destroyed because of having been bitten by a dog except when such loss destruction or damage shall have been caused by a dog harbored by the owner of such live stock or poultry or domestic game bird such person or his agent or attorney may immediately after the damage was done complain to a duly authorized agent of the Department of Agriculture Such complaint shall be in writing shall be signed by the person making such complaint and shall state when where and how such damage was done and by whose dog or dogs if known or when the animal died from rabies or was killed because of rabies Claims covering damage due to rabies shall be made immediately following the death of the animal and shall be supported by a certificate from a licensed and duly qualified veterinarian or a report from the laboratory of the Department of Agriculture to the effect that such animal was affected with rabies It shall not be necessary to prove that an animal dying from or killed because of rabies was actually bitten by a dog The presumption shall exist that such animal was so bitten Upon receipt of such notice the agent of the Department of Agriculture shall at once examine the place where the alleged loss or damage was sustained and the live stock or poultry or domestic game bird injured or killed or in case of rabies where it died or was killed The agent of the Department of Agriculture shall then fix a time for taking testimony relative to such claim and shall give notice of such time to the claimant and to the dog owner if known The agent of the Department of Agriculture shall examine under oath or affirmation any witness called before him After making diligent inquiry in relation to such claim such appriaser shall determine whether any damage has been sustained and the amount thereof and if possible who was the owner of the dog or dogs by which such damage was done If the owner does not agree as to the amount of damage allowed by the appraiser the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained For such services the said disinterested citigen shall receive two dollars and mileage at five cents per mile for the distance traveled which shall be paid by the owner and considered as part of the costs in such claim

Any owner or keeper of such dog or dogs shall be liable to the owner of such live stock or poultry or domestic game bird in a civil action for all damages and costs or to the Commonwealth to the extent of the amount of damages and costs paid by the Commonwealth as hereinafter provided

When the inhabitants of any city borough or township or of any part thereof have suffered an excessive amount of damage by dogs to live stock or poultry or domestic game birds a petition may be presented to the Secretary of Agriculture signed by twenty or more of such residents who are owners of live stock or poultry or domestic game birds alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city borough or township or such part thereof Upon receipt of such petition the Secretary of Agriculture may through his authorized agents have an investigation made of the facts alleged therein and if convinced that conditions in such city borough or township or such designated area demands such stringent measures he may establish a dog control quarantine therein

When such quarantine is established at least ten notices thereof shall be posted throughout the area affected thereby and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city borough or township

It shall be unlawful for any person residing in the area affected by such quarantine to permit a dog owned or harbored by him to run at large in such quarantined area or to leave the premises where it is kept unless accompanied by and under the control of himself or a handler

Any police officer may kill any dog running at large in a quarantined area in violation of such quarantine without any liability for damages for such killing

Section 29 Upon the Secretary of Agriculture receiving and approving such report if it appears thereby that a certain amount of damage has been sustained by the claimant he shall immediately draw a requisition in favor of the claimant for the amount of loss or damage such claimant has sustained according to such report together with necessary and proper costs incurred Such amount shall be paid from any appropriation to the Department of Agriculture available for this purpose If such report is not approved and it is deemed advisable a further investigation may be made by the Secretary of Agriculture through his officers or agents to ascertain the amount of damage sustained No person shall receive payment for any claim until the appraiser before whom the claim was made has certified that due diligence was made to ascertain whose dog or dogs did the damage and the claimant has certified that the carcasses of the live stock or poultry killed or dying from or killed because of rabies and for which damages have been assessed were buried within twenty-four hours after the assessment of damages The owners of any live stock or poultry killed by dogs or live stock dying from or killed because of rabies or live stock necessarily destroyed because of having been bitten by a dog other than a dog harbored by such person shall be paid a burial fee as follows For each horse stallion colt gelding mare bull bullock steer heifer cow mule jack jennet or burro one dollar and fifty cents for sheep ram lamb calf goat kid or swine one dollar each for the first three animals and fifty cents for each additional animal for each head of poultry or domestic game bird domestic hare or rabbit ten cents each to be included in said report and paid as other damages under this section Where said carcasses are turned over to a scavenger or reduction plant no burial fee shall be allowed

Upon payment by the State of damages of live stock or poultry or domestic game bird by dogs the rights of the owner of such live stock or poultry or domestic game bird against the owner of a dog to the extent of the amount of damages so paid by the State shall inure to the benefit of the State

Section 30 No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury The fact that no such payment has been made shall be certified by the appraiser

When any payment is made by the State for any live stock including poultry or domestic game birds injured by a dog and live stock dying from or killed because of rabies such payment shall not exceed one hundred dollars for each horse or mule sixty dollars for each head of unregistered cattle one hundred dollars for each head of registered cattle ten dollars for each head of unregistered swine sheep or goats twnty dollars for each head of registered

swine sheep or goats three dollars for each full-grown goose three dollars for each full-grown turkey or wild turkey and one dollar for each head of other poultry domestic game birds or domesticated hare or rabbit All appraisals under this act shall be at the actual value of the live stock including poultry or domestic game birds killed or injured

Section 5 That section thirty-six of said act as amended by section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (P. L. 1713) is hereby further amended to read as follows

Section 36 Any person violating or failing or refusing to comply with any of the provisions of this act shall upon conviction in a summary proceeding before a magistrate alderman or justice of the peace be sentenced to pay a fine of not less than five dollars nor more than one hundred dollars and costs of prosecution or to undergo imprisonment not exceeding thirty days or both

All fines collected under the provisions of this act shall be forthwith paid to the county treasurer and by him paid into the State Treasury through the Department of Revenue.

In any case brought by an agent of the Department of Agriculture where a conviction results and the costs are not paid but the defendant committed the costs of theh justice of the peace magistrate or alderman and of the officer serving the warrant or process shall be paid by the Commonwealth

Section 6 That section thirty-seven of said act as amended by section five of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eleven) is hereby further amended to read as follows

Section 37 [Nothing in this act shall be construed to prevent the owner of a licensed dog from recovering by action at law the value of any dog which dog has been illegally killed by any police officer or any other person within this Commonwealth from said police officer or other person If after suit such police officer or other person fails to pay the value of such dog so killed the same shall be paid by the State] The Commonwealth shall be liable to the owner of any legally licensed dog for the value thereof if illegally killed by any police officer or other person and the Commonwealth may thereupon recover the amount so paid to such owner from the police officer or other person doing the illegal killing by an action at law The value of said dog shall be ascertained in the same manner as provided in section twenty-six of this act for assessing the damage done to live stock by dogs and shall in no case exceed one hundred dollars for any one dog

Section 7 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Salus,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 407 (House Bill No. 851, as follows:

An Act to amend paragraphs one and two of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 681) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" altering qualifications requirements for the award of such medals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraphs one and two of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 681) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" are hereby amended to read as follows

(1) The General Thomas J Stewart Medal for excellence in drill attendance including summer training camp subsequent to January first one thousand nine hundred and twenty-six which shall be of bronze silver and gold suspended from a navy blue ribbon as follows

(a) A bronze medal for one hundred per cent (100%) drill attendance during any [calendar year in the future or since the first day of January one thousand nine hundred and twenty-six] yearly service period of enlistment or commission of twelve consecutive months or

(b) A silver medal for one hundred per cent (100%) drill attendance for any three [calendar years (not necessarily consecutive) in the future or since the first day of January one thousand nine hundred and twenty-six] yearly service periods of enlistment or commission of twelve consecutive months or

(c) A gold medal for one hundred per cent (100%) drill attendance for any five [calendar years (not necessarily consecutive) in the future or since the first day of January one thousand nine hundred anw twenty-six] yearly service periods of enlistment or commission of twelve consecutive months

The ribbon bar of the medal shall be prescribed as part of the uniform of the National Guard of Pennsylvania in the case of all those possessing or entitled to the medal The ribbon bar of the silver medal shall bear one silver star The ribbon bar of the gold medal shall bear one gold star with an additional gold star for each additional five years of one hundred per cent (100%) drill attendance

(2) A Service Medal for twenty (20) years service (not necessarily consecutive) in the National Guard of Pennsylvania In computing such twenty (20) years of service any service in the volunteer forces of the United States or in the Army Navy or Marine Corps thereof during any war in which the United States was engaged or during any Federal service shall be included at twice its actual length The medal shall be of silver suspended from a dark green ribbon The ribbon bar of the medal shall be prescribed as part of the uniform of the Pennsylvania National Guard in the case of all those possessing or entitled to the medal The ribbon bar of the Service Medal shall bear one silver star with an additional silver star for each additional five years

Section 3 This act shall become effective on final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed, (Centre)	
Clark,	Lanius,	Reed, (Dauphin)	Thompson, (Westmoreland)
Coyne,	Law,	Reed, (Washington)	Trainer,
Ealy,	Mallery,	Rice,	Ziesenheim,
Frey,	McClure,		
Gelder,	McCreesh,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 928 (House Bill No. 1082) on third reading, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violation thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 248, entitled:

An Act making an appropriation to the Pennsylvania School for the Deaf at Mount Airy Philadelphia to cover additional cost of maintenance and education of State pupils.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,		(Centre)
Clark,	Lanius,	Reed, (Dauphin)	Thompson, (Westmoreland)
Coyne,	Law,	Reed, (Washington)	Trainer,
Ealy,	Mallery,	Rice,	Ziesenheim,
Frey,	McClure,		
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 258, entitled:

An Act making an appropriation to the Lying-in Charity Hospital Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 259, entitled:

An Act making an appropriation to the Contributors to the Pennsylvania Hospital of Philadelphia Pennsylvania for the maintenance of its department for the sick and injured

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 260, entitled:

An Act making an appropriation to the Maternity Hospital Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 306, entitled:

An ct making an appropriation to the Department of Military Affairs for payment of property damages occasioned by a motor truck the property of the Federal Government issued to and in possession of the National Guard of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 309, entitled:

An Act making an appropriation to the Pennsylvania Society to protect children from cruelty located at four hundred and fifteen South Fifteenth Street Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 328, entitled:

An Act making an appropriation to the Women's Homeopathic Hospital Philadelphia Pennsylvania (now known as Broad Street Hospital Philadelphia Pennsylvania)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 565, entitled:

An Act making an appropriation to the Elk County General Hospital Ridgeway Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 582, entitled:

An Act making an appropriation to the Lock Haven Hospital Lock Haven Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante	Hunsicker,	Rankin,	Thompson,
Chapman	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 583, entitled:

An Act making an appropriation to the Renovo Hospital Renovo Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

RECESS

Mr. HARRIS. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 661 (House Bill No. 862), as follows:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale The term "retail dealer" shall include every person who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5.00) for each permit unless the applicant shall be the holder of a mercantile license in effect when the application is made in which case no permit fee shall be required

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5.00) except that no renewal fee shall be required if the applicant possesses a mercantile license effective when the application is made

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1.00)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and canceled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be torn and mutilated when the package is opened Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quan-

tities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cigarettes and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) The diverse methods and conditions of sale of cigarettes in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsalable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarettes permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 All taxes and penalties received collected or recovered under the provisions of this act befor June first one thousand nine hundred and thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes and penalties paid into the State Treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. LAW. Mr. President, I move to reconsider the vote by which Senate Bill No. 661 (House Bill No. 862), was ordered to be transcribed for third reading.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. LAW. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

The fifteenth, fourteenth, thirteenth, twelfth, eleventh, tenth, ninth, eighth, seventh and sixth sections of the bill were separately reconsidered.

Mr. LAW. Mr. President, I move to reconsider the vote by which the fifth section of the bill was agreed to.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend section 5, page 7, line 28 by striking out after the word "Commonwealth" and before the word "affix" the word shall and inserting in lieu thereof the word may

Mr. HUFFMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the bill were read as follows and agreed to:

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cigarettes and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorizd representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) The diverse methods and conditions of sale of cigarettes in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsaleable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act or without purshasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be quilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 All taxes and penalties received collected or recovered under the provisions of this act before June

first one thousand nine hundred and thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes and penalties paid into the State Treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred thirty-seven

The title of the bill was read as follows and agreed to:

An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax confering powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 847, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the General maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Pierson,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—1

Prince,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 850, entitled:

An Act making an appropriation to the Ashland State Hospital Ashland Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 851, entitled:

An Act making an appropriation to the Locust Mountain State Hospital Shenandoah Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson
Chapman,	Lanius,	Reed	(Centre)
Clark,	Law,	(Dauphin)	Thompson
Coyne,	Mallery,	Reed	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 990 (House Bill No. 1631), on third reading, entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 150 (House Bill No. 147), on second reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 594 (House Bill No. 1128), on second reading, entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships association and corporations county officers and the Department of Revenue making an appropriation and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 721 (House Bill No. 857), on second reading, entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after ten years and repealing certain acts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 722 (House Bill No. 858), on second reading, entitled:

An Act to further amend section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled "An act providing for the escheat of deposits of money or property of another received storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall escheat after ten years and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 726 (House Bill No. 1192), entitled:

An Act to provide revenues for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments and providing penalties

The first and second sections of the bill were read as follows and agreed to:

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Corporation" A corporation having capital stock joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall not include building and loan associations banks bank

and trust companies national banks savings institutions beneficial life and limited life insurance companies mutual fire and mutual life insurance companies and trust companies

"Department" The Department of Revenue of this Commonwealth

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to the Federal Government subject however to any corrections thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That deductions shall be allowed from net income on account of any taxes paid to the Government of the United States

2 In case the entire business of any corporation is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's property wherever situated

(2) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditure of the corporation for wages salaries commissions and other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth and sales otherwise determined to be attributable to the business conducted on such premises and (2) rentals or royalties from property situated or from the use of patents within this Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts from sales attributed by the corporation to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth 3 "Net income" in the case of insurance corporations shall be ascertained in the manner provided by the laws of the United States for the taxation of the net income of insurance corporations

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

The third section of the bill was read as follows:

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth a State excise tax at the rate of eight per centum per annum for the first year this tax is imposed and six per centum per annum for the second year upon each dollar of net income of such corporation Such tax shall first be levied collected and paid upon all net income received by and accruing to such corporation on and after the first day of January one thousand nine hundred and thirty-five

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 3, page 6, lines 14, 15 and 16, by striking out the words "for the first year this tax is imposed, and six per centum per annum for the second year"

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth sections of the bill were read as follows and agreed to:

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred and thirty-six and on or before the fifteenth day of April one thousand nine hundred and thirty-seven to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of this return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation at the time of making the report required herein shall pay to the department not less than one-half of the tax due to the Commonwealth by it for the preceding year and the remaining one-half of such tax shall be paid on or before the fifteenth day of May succeeding The amount of all taxes imposed under the provisions of this act not paid on or before the time as above provided shall bear interest at the rate of twelve per centum per annum from the date they are due and payable until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court if such payment is accompanied by a protest that the whole or any part of such payment is not justly or legally due If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it or assigned to any other person or corporation for use in the payment of any obligation to the Commonwealth

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation shall certify to the department that its fiscal year does not close upon the thirty-first day of December but upon some other date and that it reports to the Federal Government as of such other date or that it would so report were it to make a return to the Federal Government then such corporation shall be permitted to make the report herein required within sixty (60) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 5 Consolidated Reports The Department shall upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income and further any corporation shall be permitted to include in a consolidated report any other corporation or corporations subject to the provisions of this act the properties of which are all or substantially all controlled by it through leasing arrangements or otherwise

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to the payment from the due dates fixed by this act at the rate of six per centum

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally charged or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make report under oath or affirmation to the department of such finally changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars ($5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b If as a result of such final change or correction there should be any deduction made from the amount of the net income of any corporation upon which tax is imposed by this act the Board of Finance and Revenue shall have the power and its duty shall be to hear and determine any petition for the refund of taxes alleged to have been overpaid and upon the allowance of such petition to refund such taxes out of any appropriation made for the purpose or to credit the account of the corporation entitled to such refund All such petitions must be filed with the board within two (2) years of the date of such change or correction Any person aggrieved by the action of the Board of Finance and Revenue in the determination of any petition for the refund of taxes alleged to have been overpaid may within sixty days appeal to the court of common pleas of Dauphin County from the decision of the board in the manner provided by law for appeals in the case of tax settlements

Section 8 Determination and Redetermination of Tax Penalties and Interestt Due (a) If within a period of two years after the filing of the report the department is not satisfied with the report and payment of tax made by any corporation under the provisions of this act or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act it is hereby authorized and empowered to make a determination of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such corporation Within thirty (30) days after the date of any such determination such corporation may file with the department a petition for redeterimnation of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The department shall within ninety (90) days after the date of any determination dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the corporation against which such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The Board of Finance and Revenue shall dispose of such petition filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioners

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the

board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and determine the amount due by it for taxes penalties and interest thereon as prescribed herein subject to the right of redetermination and appeal as in this section provided

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act The Department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and assess the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of two (2) years such record or records of its business within this Commonwealth and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully and corruptly make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report and to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 All taxes and penalties received and collected under the provisions of this act shall be paid into the State Treasury and those imposed for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in one thousand nine hundred and thirty-five and collectible in the year one thousand nine hundred and thirty-six shall be used only for unemployment relief purposes and for such purposes are hereby appropriatted All other taxes and penalties received and collected under the provisions of this act shall be credited to the General Fund

Section 13 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 14 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven on the net income of the previous two calendar or fiscal years

The title of the bill was read as follows:

An Act to provide revenues for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments and providing penalties

On the question,

Will the Senate agree to the title?

Mr. McCLURE. Mr. President, I move to amend title, page 1, line 9, by inserting after the part-word "ments" the following: "making an appropriation"

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 900, as follows:

An Act to amend section nine of the act aproved the thirty-first day of March one thousand nine hundred and twenty-seven (Pamphlet Laws ninety-one) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" limiting existing in-

debtedness as covered by the section to bonded indebtedness

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pensylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (Pamphlet Laws ninety-one) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" is hereby amended to read as follows

Section 9 Hereafter it shall be unlawful for any municipality to provide for the refunding of any existing bonded indebtedness for a longer period than twenty years and any obligation issued for a longer period than herein provided shall be invalid and impose no municipal liability or have any lien All proceedings to issue bonds or obligations for the purpose of refunding existing bonded indebtedness shall be approved by the Department of Internal Affairs as in the case of other proceedings and no refunding bonds shall hereafter be issued by any municipality without the approval of the said department Refunding bonds issued without the approval of the said department shall be invalid and impose no municipal liability

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 946, as follows:

An Act relating to the buying selling and transportation of live and dressed poultry requiring poultry dealers to be licensed requiring records of sales and purchases of poultry to be kept imposing duties and liabilities on poultry dealers poultry producers and other persons buying and selling poultry and on country farm agents and the Department of Agriculture and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act the following terms shall have the meanings ascribed for eacn

"Poultry" shall mean and include all domestic foul whether alive or dressed

"Poultry dealer" shall mean any person engaged in the business of buying poultry for resale or of selling poultry or of selling poultry as agent for another or on commission The term shall not include a poultry producer

"Poultry producer" shall mean any person who raises any poultry whether as his principal business an incidental business or a hobby

"Department" shall mean the Department of Agriculture of the Commonwealth

"Person" shall mean and include individuals copartnerships associations and corporations

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 (a) On and after the first day of July one thousand nine hundred and thirty-five it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in business as a poultry dealer within this Commonwealth unless a license so to do shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in such business within this Commonwealth shall file an application for a license with the department Every application for a license shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth the particular kind of business to be transacted and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification If any motor vehicle is to be used in connection with such business the application shall set forth the name of the manufacturer of each of such motor vehicles and the State registration numbers issued therefor The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written eveidence of his authority

(c) At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5.00) for each license

(d) Upon approval of the application and the payment of the license fee or fees herein required the department shall grant and issue to each applicant a license for each place of business within the Commonwealth set forth in his application Liicenses shall not be assignable and shall be valid only for the persons in whose names issued

(e) With each license shall be issued one set consisting of three numbered plates one of which shall be conspicuously placed within the building on the premises where the business is conducted and the other two of which shall be conspicuously placed one on each side of the vehicle used in connection with conducting the business licensed If more than one vehicle is used in connection with each place of business additional plates may be secured at a cost of one dollar and fifty cents ($1.50) per set

(f) Whenever any plates issued under the provisions of this act are defaced destroyed or lost the department may issue duplicate plates to the holder of the defaced destroyed or lost plates upon the payment of a fee of one dollar and fifty cents ($1.50)

(g) All licenses shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless socner suspended surrendered or revoked for cause by the department

(h) Licenses issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5.00)

(i) The department may suspend or after hearing revoke a license whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any license the department shall request the holder thereof to surender to it immediately all plates or duplicates thereof issued to him and the holder shall surrender promptly all such plates to the department as requested Whenever the department suspends a license it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the license

Section 3 Each poultry dealer shall make a record of each purchase and sale made by him in such form as shall be prescribed by the department Such record shall be made in duplicate The original shall be retained by the poultry dealer and the duplicate shall be given to and retained by the other party to the transaction Provided That separate records need not be made of sales to individual consumers purchasing for use in their own

homes but a daily record of the aggregate of such sales shall be sufficient

The sales record shall show the following

(1) Name address and license number of poultry dealer making the record

(2) Name and address of person purchased from or sold to and if a licensed poultry dealer his license number but in case of daily record of sales to individuals for home use no name or address need be given

(3) Date of transaction

(4) Number of birds together with their weight classification the price per pound and the total amount paid

All such original and duplicate records shall be kept by the poultry dealers and by the other persons to the transaction for a period of six months after the transaction and shall be open to inspection by any public police officer or detective and the agents of the department

Section 4 Any poultry producer may procure an idetification card without cost from the county farm agent of the county where he resides or where he engages in raising poultry Identification cards shall be prepared and furnished to the several county farm agents by the department

Section 5 On and after the first day of July one thousand nine hundred and thirty-five it shall be unlawful for any person to transport poultry within this Commonwealth unless

(1) In the case of a poultry dealer the license plates provided for by section two of this act are conspicuously displayed one on each side of the vehicle in transporting poultry

(2) In the case of a poultry producer he shall have an identification card provided for by section four of this act and shall show the same upon demand by any police officer in uniform or any county farm agent or agent of the department exhibiting credentials of his authority

(3) In the case of a common carrier or any other person he shall have a duplicate record of sale provided for by section three of this act and shall show the same upon demand by any police officer in uniform or any county farm agent or agent of the department exhibiting credentials of his authority

Section 6 The department shall be charged with the duty of enforcing the provisions of this act and shall have power to make and enforce rules and regulations for such purposes

Section 7 Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200) for the first offense and not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000.00) for a second or subsequent offense or in the case of individuals members of partnerships and the responsible officers of associations and corporations to undergo imprisonment for not more than one year or both

Section 8 All acts or parts of acts inconsistent herewith are hereby repealed

Section 9 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1049, as follows:

An Act to amend clauses (i) and (l) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended further defining distilleries and wineries and providing for the licensure and rights of manufacturers of unfortified wine

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (i) and (l) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended by the act approved the eighth day of December one thousand nine hundred and thirty-three (Pamphlet Laws fifty-seven one thousand nine hundred thirty-three one thousand nine hundred thirty-four) are hereby further amended to read as follows

(i) The term "distillery" shall mean and include any premises or plant wherein alcohol or alcoholic liquid is manufactured made and distilled from raw materials blended or rectified or any place wherein alcohol or alcoholic liquid is produced by any method suitable for the production of alcohol The term shall not include a "winery" where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same

(l) The phrase "winery" shall mean and include any premises and plants where alcoholic liquids or beverages are produced by the process by which wine is produced or premises and plants wherein liquid such as wine is produced and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products under such regulations as are or may be promulgated by the proper agency of the United States Government and such alcohol for that purpose only may be sold or exchanged between wineries holding permits in this Commonwealth without restriction

Section 3 It shall be unlawful for any person without a permit from the Commonwealth obtained as hereinafter provided except as exempted by section five hereof to manufacture produce distill develop or use in the process of manufacture denature redistill recover rectify blend reuse hold in bond hold in storage as bailee for hire or transport for hire within this Commonwealth any alcohol or alcoholic liquid except that a person may [without a permit] manufacture wine [out of grapes grown by him] by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a permit-holding winery or to any person permitted to purchase liquor from a Pennsylvania Liquor Store in containers having therein not less than one gallon upon the filing by such manufacturer of a bond in the penal sum of five hundred dollars ($500) and the securing of a permit at a fee of twenty dollars ($20) per annum The bond and license shall be under the same terms and provisions as other bonds and licenses provided for by this act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1070 (House Bill No. 1641), as follows:

An Act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following terms shall unless the context otherwise indicates have the following respective meanings

(a) The term "farm produce" shall include all agricultural horticultural vegetable fruit and floricultural products of the soil poultry eggs nuts flowers and honey but shall not include timber products tea or coffee

(b) The term "on consignment" shall mean any receiving or sale of farm produce for the account of a person other than the seller wherein the seller acts as the agent for the owner

(c) The term "net return basis" shall mean a purchase for sale of farm produce from a producer or shipper at an unfixed or unstated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbiter of the price to be paid

(d) The term "commission merchant" shall include every person association copartnership or corporation who or which receives sells or offers for sale on consignment or on a net return basis within this Commonwealth any kind of farm produce

(e) The term "Department" shall mean the Department of Agriculture of this Commonwealth

Section 2 The provisions of this act shall not apply to

(a) The sale of farm produce at public auction by a duly licensed auctioneer acting as the agent of another to whom such farm produce shall have been consigned

(b) Farm produce purchased outright and unconditionally or for cash f o b point of origin

(c) Farmers who sell produce for themselves and their neighbors in farmers markets or at roadside

(d) Seeds sold at retail

(e) Agricultural cooperative associations which market farm products for their members

Section 3 It shall be unlawful for any commission merchant to operate as such at any place of business in this Commonwealth unless he or it shall hold a license issued by the Department for such place of business as in this act provided

Section 4 Every commission merchant desiring to transact business within this Commonwealth shall annually on or before June first file an application for such license with the Department The application shall be on a form furnished by the Department and together with such other information as the Department shall require shall state

(a) The kind or kinds of farm produce which the applicant proposes to handle

(b) The full name or title of the applicant or if the applicant be an association or copartnership the name of each member of such association or copartnership or if the applicant be a corporation the name of each officer of the corporation

(c) The names of the local agent or agents of the applicant if any

(d) The cities boroughs towns and townships within which places of business of the applicant will be located together with the street or mailing address of each

Section 5 Unless the Department refuses the application on one or more of the grounds hereinafter provided it shall issue to such applicant upon the payment of proper fees and the execution and delivery of a bond as hereinafter provided a license entitling the applicant to conduct business as a commission merchant at each place named in the application until the first day of July in the year next following The fee for such license shall be ten dollars ($10) for each place of business which the applicant desires to conduct and names in the application

Section 6 Before any license shall be issued the applicant therefor shall make and deliver to the Department a surety bond in the amount of at least one thousand dollars ($1,000) or in such greater amount as the Department may determine based on the amount of business done or estimated to be done in the future by the applicant executed by a surety corporation authorized to transact business in this Commonwealth to the Commonwealth of Pennsylvania to the use of consignors of farm products handled by the applicant Such bond shall be conditioned to secure the faithful accounting for and payment to consignors of the proceeds of all farm products handled or sold by such commission merchant Actions or suits upon the appropriate bond may be brought directly by any consignor his representatives successors or assigns to whom the principal named in such bond has failed to render an account or to make payment for farm products in any court of competent jurisdiction to recover for any loss or damage resulting from such breach of the condition of such bond Provided however That in lieu of such bond the Department may accept and hold sufficient collateral of the applicant which shall in all respects be subject to the same claims and actions as would be against the bond

Section 7 Every commission merchant shall upon the receipt of farm produce and as he handles and disposes of the same make and preserve for at least one year a record thereof specifying the name and address of the consignor the date of receipt the kind and quality of such produce the amount of goods sold the name and address of the purchaser except that where sales total less than five dollars ($5) in value such sales may be made to order of "cash" the selling price thereof and the items of expenses connected therewith and an "account sales" together with payment in settlement for said shipment shall be mailed to the consignor within forty-eight hours after such sale unless otherwise agreed in writing

Section 8 The Department shall have power to investigate upon complaint in such form as it may require of an interested person or upon its own initiative the record of any applicant or licensee or any transaction involving the solicitation receipt sale or attempted sale of farm produce on a consignment or net return basis the failure to make proper and true accounts and settlements at prompt and regular intervals the making of false statements as to condition quality or quantity of goods received or while in storage the making of false statements as to market conditions with intent to deceive or the failure to make payment for goods received or other alleged injurious transactions and for such purposes the Department may examine at the place or places of business of the applicant or licensee that portion of his ledgers books of accounts memoranda or other documents which relate to the transactions involved and may take testimony thereon under oath

Section 9 The Department may decline to grant a license or may revoke a license already granted if it is satisfied that the applicant or licensee has either

1 Had a money judgment entered against him upon which execution has been returned unsatisfied or

2 Make false charges for handling or services rendered or

3 Failed to account promptly and properly or to make settlements with any consignor or

4 Made any false statement or statements as to condition quality or quantity of goods received or held for sale

on consignment or on a net return basis when he could have ascertained the true condition quality or quantity by reasonable inspection or

5 Made any false or misleading statements as to market conditions or service rendered or

6 Been guilty of a fraud in the attempt to procure or the procurement of a license or

7 Directly or indirectly purchased goods for his own account without prior authority therefor or without notifying the consignor thereof

Section 10 Before the Department shall decline to license an applicant or shall revoke the license of a licensee it shall give ten days notice by registered mail to such applicant or licensee of a time and place of hearing At such hearing the applicant or licensee shall be privileged to appear in person or by or with counsel and to produce witnesses After such hearing the Department shall take such action as it shall deem appropriate under the facts as it believes them to be

Section 11 Any commission merchant aggrieved by any decision of the Department shall have the right of appeal therefrom to the court of common pleas of Dauphin County

From a decision of the court of common pleas of Dauphin county an appeal may be taken by either party to the Superior or Supreme Court of Pennsylvania as in other cases

Pending final disposition of an appeal under this section the Department may for special cause shown grant temporary permission revokable at any time and subject to such terms and conditions as the Department may prescribe to transact business as a commission merchant under this act but unless such permission be granted any applicant to whom a license has been refused and any licensee whose license has been revoked by the Department who shall do business as a commission merchant shall be liable therefore to the same extent as if no application had been filed

Section 12 Any commission merchant violating the provisions of section three of this act shall be guilty of a misdemeanor and upon conviction thereof shal be sentenced to pay a fine of not less than three hundred ($300) nor more than five hundred dollars ($500) or imprisonment for not more than one year or both at the discretion of the court

Section 13 The Attorney General at the instigation of the Department may in the name of the Commonwealth institute proceedings in equity in the court of common pleas of Dauphin county for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 14 The Department shall be charged with the enforcement of this act All money received from license fees and fines shall be immediately paid by the Department into the State Treasury through the Department of Revenue

Section 15 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1162, as follows:

A Joint Resolution proposing an amendment to section eight article four and to add an additional section to article ten of the Constitution of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendments to the Constitution of the Commonwealth of Pennsylvania be and the same are hereby proposed in accordance with the eighteenth article thereof

That sction eight article four of the Constitution of the Commonwealth of Pennsylvania be amended to read as follows

Section 8 He shall nominate and by and with the advice and consent of two-thirds of all the members of the State appoint a Secretary of the Commonwealth and an Attorney General during pleasure and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint he shall have power to fill all vacancies that may happen in offices to which he may appoint during the recess of the Senend of their next session he shall have power to fill any vacancy that may happen during the recess of the ate by granting commissions which shall expire at the Senate in the office of the Auditor General State Treasurer or Secretary of Internal Affairs in a judicial office authorized to fill if the vacancy shall happen during the or in any other elective office which he is or may be session of the Senate the Governor shall nominate to the Senate before their final adjournment a proper person to fill said vacancy but in any such case of vacancy in an elective office a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution unless the vacancy shall happen within two calendar months immedition for said office shall be held on the second succeedately preceding such election day in which case the elecexecutive nominations the Senate shall sit with open doors ing election day appropriate to such office In acting on and in confirming or rejecting the nominations of the Governor the vote shall be taken by yeas and nays and shall be entered on the journal

That article ten of the Constitution of the Commonwealth of Pennsylvania be amended by adding thereto a new section to read as follows

Section 4 There shall be in the Department of Public Instruction a body to be known as the State Council of Education consisting of nine members who shall elect the Superintendent of Public Instruction for a term of not less than five years and perform such other duties as they may by law be directed to perform They shall serve without pay but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of said council Until otherwise directed by law the duties of the Council of Education in addition to the election of the State Superintendent of Public Instruction shall be those devolving upon the existing Council of Education when this amendment becomes effective

The first Council of Education herein provided shall consist of the nine appointive members of the then existing Council of Education They shall meet as soon as reasonably possible after this amendment becomes effective and shall determine by lot the terms of office of the several members from one year to nine years one term to expire one year from the first day of April following the date of this organization meeting another to expire two years from said first day of April and so on their successors to be appointed by the Governor one each year for terms of nine years each They shall choose such officers and adopt such rules of procedure as they deem necessary At no time shall more than two persons actively engaged in the work of education as an occupaprovision shall not affect the eligibility of any appointive tion hold membership in the Council of Education but this member holding over from the previously existing council to complete the term allotted to him at the organization of the new council as hereinbefore provided

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1169 (House Bill No. 1473), on second reading, entitled:

An Act imposing a graduated income tax for unemployment relief and school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1185 (House Bill No. 1826), entitled:

An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honey-bees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1218 (House Bill No. 2324), entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1246, as follows:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto and imposing no municipal liability existing or created at the time of the original acquisiton of such water-works by the issue of refunding bonds secured solely by liens and imposing no municipal liability

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where any borough has heretofore acquired or shall hereafter acquire any water-works and the appurtenances thereto subject to any existing lien or liens and did not or does not at the time of such acquisition issue general obligations of the borough for the payment of the outstanding obligations protected by such lien or liens or where at the time of the acquisition of such water-works such borough issued or issues bonds secured solely by liens on the property of such water-works and imposing no municipal liability then and in either event such borough may at the time such non-debt liens or bonds mature or at any time prior thereto issue and sell registered or coupon bonds in accordance with section fifteen article nine of the Constitution and the enabling legislation enacted to carry into effect the provisions of said section for the purpose of refunding such outstanding non-debt liens or bonds which refunding bonds shall be secured solely by a lien or liens on such water-works and the appurtenances thereto and impose no municipal liability Such bonds so issued shall not be deemed to be the creation of new obligations or new liens but be deemed a continution of the non-debt lien liens or bonds existing or created at the time of the original acquisition of said water-works and the appurtenances thereto

Such lien liens or bonds shall not be refunded for a longer period than twenty-years and the refunding lien bonds issued shall not bear interest at a rate exceeding six per centum and the amount of the refunding lien bonds so issued shall not exceed in the aggregate the amount of the liens or bonds to be refunded Provided however That any moneys placed in any fund by the borough or by any commission of water-works for the purpose of redeeming or paying such liens or bonds at maturity shall be first applied to the payment as far as applicable of the principal of such liens or bonds to be refunded and the balance of such lien liens or bonds only shall be redeemed by the issue of new lien bonds

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1289, as follows:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three million dollars ($3,000,000) is hereby specifically appropriated to the State Emergency Relief Board for the purpose of unemployment relief

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Judiciary General reported as committed, Senate Bill No. 457, entitled:

An Act providing that any order of the juvenile court of any county of the second class or action of any of its probation officers touching the custody of any child under the jurisdiction of said court calculated to effect the liability of said county for the support or maintenance

of said child shall in order to effect the county's liabili for the same be certified or reported by the clerk chief probation officer or such other person as said court shall designate to the county commissioners of such county with full details within five days after said order is made or action taken and repealing inconsistent legislation.

Mr. ARON. Mr. President, I ask unanimous consent to maek report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 1296, entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-five (Act No. 52), entitled "An act authorizing the abatement of certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes," by providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

James D. Crawford, City-County Building, Pittsburgh.

BERKS COUNTY

Bernard S. Esser, Esterly.

ERIE COUNTY

Foster E. Davis, Corry.

MONTGOMERY COUNTY

Clayton L. Brown, Jr., Norristown.

PHILADELPHIA COUNTY

Ernest Berry, 6070 Ridge Avenue, Philadelphia.
Charles E. Koob, 209 S. 3rd Street, Philadelph

POTTER COUNTY

William Straitz, Galeton.

YORK COUNTY

Morgan Carnes, Craley.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker	Pytko,	Staudenmeier,
Cavalcante	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. BAUMER. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. HUFFMAN. Mr. President, because of the memorial services for the Honorable James S. Boyd, late Senator from the Twelfth District, fixed by resolution of the Senate for two-thirty this afternoon, I move that the Senate do now take a recess until three-fifteen this afternoon.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

MEMORIAL SERVICES FOR THE HONORABLE JAMES S. BOYD, LATE SENATOR FROM THE TWELFTH DISTRICT

The Senate met at two thirty o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

The PRESIDENT. This being the time fixed by resolution of the Senate for holding memorial services in memory of the Honorable James S. Boyd, late Senator from the Twelfth District, the Senate will be in order and the services will be opened with prayer by the Chaplain.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O God, in this hour of sweet and sorrowful quietude our trust in Thee and our love for Thee remain steadfast. We come today thanking Thee for the ties of friendship and brotherhood which bound the hearts of many here present to the life of him in whose memory this service is being held. His removal by death has cast a pall of gloom over the souls of all who knew and loved him.

We cherish the remembrance of his stalwart figure and his staunch, sturdy manhood. True as steel to his friends, faithful ever to his convictions, widely conversant with the affairs of his own country and those of many other nations of the world, he was well equipped for statesmanship. His genial personality, his winning smile, his kindly words, his cheery greetings—these drew his colleagues to him and impelled their honor and respect.

Comfort, O God, his companion and all those who were bound to him by the ties of blood and domestic life. Fill the place made vacant in their home and their hearts by Thy gracious presence and grant unto them the comfort that Thou alone canst give.

Bless this Senate where he served his constituents so long, so ably and so well. May the influence of his faithful stewardship be a benediction upon the heads of those who remain and upon him who has taken up his mantle.

And help us, our Father, not to think of him as dead, but as "just away," in a land where there is no sorrow; where partings never come, nor tears make dim the eyes.

We ask these blessings in the name of Him who was the Man of Sorrows and acquainted with grief, and who by his resurrection conquered death for us. Amen.

Mr. BEAN offered the following resolution, which was twice read.

Whereas, Our Fellow Senator, James Slingluff Boyd, member of the Senate of Pennsylvania for the Twelfth District, died March 13th, 1935; and

Whereas, his colleagues in the Senate are desirous of publicly attesting their friendship for this loyal, choice companion;

Therefore, Be it Resolved, That the Senate of Pennsylvania record its acknowledgment of his kindly and courteous disposition, his determined and persistent endeavor, his faithful administration of every trust, his willingness at all times to help and advise, his fidelity and integrity, as well, of the loss which this distinguished Body suffers along with the State at large;

And Resolved, That we, the members of the Senate, tender our sympathy to the members of his family, and that we use this means of expressing our full appreciation of his friendship.

We direct that a copy of this resolution, properly attested, be sent to his family.

THEODORE LANE BEAN
JOHN W. HOWELL
FRANK J. HARRIS
JAMES E. NORTON
HERMAN E. BAUMER
WILLIAM C. HUNSICKER
Committee.

On the question,

Will the Senate agree to the resolution?

Mr. BEAN. Mr. President, gentlemen of the Senate: While the shadows of evening fell about two months ago, the chariot swung low and the spirit of Jim Boyd, strong in faith and high in courage, was carried home.

"E'en as he trod that day to God, so
walked he from his birth
In simpleness, and gentleness, and
honor, and clean mirth."

The Athenians walked among the statues of their heroes and kept themselves familiar with their deeds.

So we do well to draw near our mighty dead.

Sir Francis Bacon said, "If he have not a friend, he may quit the stage."

This group of Senators, acquaintances and friends of Jim Boyd gather here this afternoon to publicly attest our friendship for this loyal, choice companion.

We do not come here to mourn, but rather to lift a prayer to Almighty God that it was possible for us to have walked with this man.

"I cannot say, and I will not say
That he is dead, he is just away,
With a cheery smile and a wave of
the hand,
He has wandered into an unknown land,
And left us dreaming.
How very fair it needs must be
since he lingers there."

Someone has said, "In the hearts of those I love, let my headstone be." "Moderate praise used with opportunity, and not vulgar is that which doeth the good."

And Solomon saith: "He that praiseth his friend aloud, rising early, it shall be to him no better than a curse."

"Praise after all is but the reflection of virtue, but, it is as the glass or body which giveth the reflection."

Towering above the fevers and alarms of the hectic present, the figure of this man is a promise of the ideals, translated into achievement, inherent in the spirit of America, and an everlasting challenge to the increasing fulfillment of the American dream.

In the career of James Slingluff Boyd we recognize many qualities which lend distinction to American citizenship.

In his character he displayed the most loyal devotion, and in all relations he exemplified truth, generosity, high-mindedness, and a noble ignorance of anything unworthy of a gentleman.

With never a thought of himself, anxious always to serve, ready at all times to do, faithful, conscientious, he met his every obligation with a full conception of his responsibility.

His life, characterized as it was, by its manhood, its fearlessness, was a life well worthy of generous remembrance and faithful emulation.

His departure has taken with it something out of our lives, but it leaves to us, his friends, a fragrant memory of a useful, honorable, well spent life.

All who knew him loved him.

His very entrance into a group brought with it a sense of light, of gaiety and life.

Can't you hear him in this very hour say:

"God let us laugh because of carefree hours,
That filled the past with color and with light.
Let us remember gardens sweet with flowers,
And stars, like silver music in the night."

"Let us remember words that have been spoken,
And other, golden words, long left unsaid,—
Let us forget, dear God, that hearts are broken,
Let us remember happiness instead."

His gentle consideration and unselfish thought for others united in forming such a personality that it was a privilege to have known him.

So—

"We'll hide his loving memory in our hearts,
We'll follow in the pathway that he trod;
We'll make each day another step upon
The stairway leading up to him and God."

A mountain is a mystery, and so was Jim Boyd. It has fissures which would disfigure the beauty of a hill, but which cause no blemish upon its massive nobility. There are sheltered nooks where flowers grow and streamlets sparkle in the sunlight, but nearby there are huge masses of denuded rock which tell of the harsh attrition of earlier times. The clouds that gather about its

summit lend it an air of loneliness and melancholy; the storms beat upon it with the swift strokes of lightning and the deep cries of thunder, but it remains unmoved, unshaken; in all moods, in all mists, its mission is the same. The same God who made the mountain made the man, and his ways are past finding out.

Here is one of Jim's favorite poems:

"God send us men whose aim will be,
Not to defend some worn-out creed,
But to live out the laws of Christ
In every thought, and word and deed.

God send us men alert and quick,
His holy precepts to translate,
Until the laws of Christ become
The laws and habits of the State.

God send us men! God send us men!
Patient, courageous, strong and true,
With vision clear and mind equipped,
His will to learn, His work to do.

God send us men with hearts ablaze,
All truth to love, all wrong to hate;
These are the patriots nations need,
These are the bulwarks of the State."

Jim Boyd was this sort of man.

May His Grace lead him gently by the hand.

Mr. NORTON. Mr. President and Members of the Senate, opposite the National Capitol is a shaft of granite which marks the tomb, the last resting place, of the unknown soldier. Day by day a member of the Regular Army of the United States, with measured tread, paces back and forth before that tomb. Hard by is an open-air temple modeled after that of ancient Greece, and over its marble columns is carved the Latin inscription "Dulce et decorum est pro patria mori". The Roman poet may have thought that it was beautiful and pleasant to die for one's country, but we in this great country feel that it is better to live for one's country. We lay no wreath upon a tomb this afternoon, but we are gathered here to pay a tribute to one who served his country, who served his district, and who served this great Commonwealth well.

Towering over every man in this Senate, his giant frame encased a heart that was warm and large and generous; to know him was to love him. It was my privilege to place his name in nomination for that exalted position, President Pro Tempore of this body; and, being a neighbor, as it were, we were, perhaps, drawn together more closely than other members of this Senate. Beneath that magnetic smile of his was hidden a keen and active mind, and rarely did he exhibit it except to those who knew him.

We are here this afternoon, as has been well said, not to mourn but to pay a tribute to one of the autstanding members of this Senate, my friend and colleague, James S. Boyd.

Mr. ROBERTS. Mr. President, this is an hour for serious thought and meditation as we turn from the strife of political differences to the level of unanimous accord in the common brotherhood of man. Suddenly the voice of argument has been stilled. The shadow of death has stalked through this Chamber. James S. Boyd is no more. His work is done. We are here to commemorate his memory and that I may be permitted to offer a tribute of respect is a privilege that serves to cement the friendship that existed between the late Senator and myself from the day I first met him. The remarks that I may make are but a brief testimonial which I believe are expressive of the sentiment which pervades the hearts of every Senator of this body who intimately knew our departed colleague.

James S. Boyd was a kind, loyal and unselfish friend. He had the good fortune to be born of a well known family and through education, environment and a deep sense of humanity, lived a life of generous good will from which it would have been difficult to depart. His strength of character was as strong as was his physique. He was always vigorous, always forceful and his truthfulness left no misunderstandings.

My own love for him was strengthened by his utter contempt of shams. He led his life and said his say, regardless of social meanings or future political preferment. Perhaps this is why he was trusted and honored by the people who knew him best,—his home folks. And after all, is not the noble life the one who ignores personal gain, to serve and sacrifice for others. He gave attention to the man of low estate as readily as he did to those of high degree. Long after I have finished my course in this Body, and in contemplating on the friendships I acquired, my mind will revert to the genial, kindly and lovable companionship of Senate James S. Boyd. The keynote of his life was the golden rule. "Do unto others as you would have them do unto you." Such a soul reflects to us a man among men and the friendliness of God who gave it.

Mr. HARRIS. Mr. President, Members of the Senate, and the family of Senator Boyd: When the news of Jim Boyd's death came to Harrisburg, not only the members of the Senate were stunned, but everyone in the City of Harrisburg whoever came in contact with him felt this loss, and I wonder sometimes if grief is not a selfish thing. We grieve because we have lost something and we grieve because we have lost the companionship of Jim Boyd, and we grieve more deeply than we usually do in the loss of a friend when that friend occupied a place in our lives that provided for us something that no one else could give. We all know that Jim Boyd had a fine human side, a fine understanding of the rights of others, a fine tolerance upon everything, and Jim Boyd was a real Liberal. Then he had that delightful sense of humor that we all enjoyed, and the things that Jim did to help us pass away the hours when we were not engaged in the passing of legislation or the turmoil of politics. He gave unselfishly, not because he enjoyed it so much, but because we did.

You know Jim Boyd did not think so much of the material side of life. He had the philosophy that that was the least important of all, that the human side of life was the fine side, and in these days of economic stress, when we begin to take an inventory of our world's goods, I think we all stress the material side too much. When we make an inventory, let us add to that inventory the friends that we have made and the service we have rendered, the joy that we have given others, and Jim Boyd was rich in all of these. He was a millionaire, yes a billionaire, in friendships. He was a billionaire in the service that he rendered to others and the joys that he had given to others during his whole lifetime. He had the heart of a giant and yet he was like a boy. He could work and he could play, and, of course, we all regard his death at such an age, when he could have gone down into the sunset of life and enjoyed the companionship of

his boy and of all the fine things. But, after all, we are consoled by the thought that Jim lived a full life in the short time that he was on this earth.

Many people could live to be a hundred years of age and not enjoy the same things that Jim Boyd did. He lived a full and complete life. He was a tower, and with all that a statesman and a true friend. He combined his lighter side. He had real ability. Many of us have watched him in committees, when he could analyze bills with very little study. He was a graduate of a University, but he graduated from a University which is greater than book-learning, and that was the University of Experience. I think he had a post-graduate course in the University of Experience.

Then we know his loyalty to his friends, and it was one of the finest things in his life that he stuck fast to his friends. And then we cannot forget, none of us can, the fine companionship of his wife. I never knew a couple who were so devoted to each other, and Jim Boyd was just taken care of as though he was a boy. Day in and day out, sunshine and rain, early and late, his companion was at his side watching him, and he deeply appreciated and was grateful, even more perhaps than Mrs. Boyd really knew, of the fine hand with which she guided him. We all miss Jim Boyd of course, but none of us will miss him like Mrs. Boyd and his family. We do not understand that some of our loved ones are taken away from us, and we cannot understand why, but we cannot question, it is God's will and not ours.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

ADJOURNMENT

Mr. HARRIS. Mr. President, I move that the memorial session of the Senate for our friend and colleague, James S. Boyd, do now adjourn.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 268, entitled:

An Act to repeal the act approved the first day of June one thousand nine hundred and fifteen (P. L. 665) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

House Bill No. 1268, entitled:

An Act to repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (P. L. 250), entitled "An act authorizing boroughs to redeem outstanding bonds, and for that purpose issue and sell new interest-bearing bonds, and to provide a fund for the redemption thereof."

House Bill No. 1633, entitled:

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof," making further regulations for the election of justices of the peace in such consolidated boroughs.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy in the presence of the Senate signed the same.

RECESS

Mr. BUCKMAN. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1865

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives May 8, 1935.

Resolved (if the Senate concur), That House Bill No. 1865, entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (P. L. 172), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor; making appropriations for such purpose as erection and equipment of the building and buildings necessary therefor; making appropriation for such purposes as erection and equipment, and the maintenance of the children admitted therein; placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the Soldiers' Orphans Schools, extending the time for the discharge of children from said school.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE RESOLUTION NO. 143

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 7, 1935.

Resolved (if the Senate concur), That House Resolution No. 143, Serial No. 198, be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 815

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 815, entitled:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," requiring certain qualifications for the Adjutant General, and establishing a board for the determination and payment of minor damages caused by the National Guard.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 819

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 819, entitled:

An Act to amend sections five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "Pennsylvania National Guard Act," by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensation for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonizing the act with Federal law.

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Federal Relations.

In the House of Representatives, April 17, 1935.

Whereas, The President and Congress, in order to alleviate unemployment in developing various public works; and

Whereas, In the City of Philadelphia, Pennsylvania, there is planned a construction and extension of the Market Street subway to Fifty-Second Street, and the removal of the Elevated Structure; and

Whereas, The work of equipping said subway extension and the removel of the Elevated Structure, would give employment to many persons now unemployed; and

Whereas, The full completion of this project would result in great usefulness to the citizens of the entire City of Philadelphia, and West Philadelphia in particular; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President and Congress of the States to consider the advisability and feasibility of including within the public work program, the extension of the Market Street Subway to Fifty-second Street, and the removal of the Elevated Structure; and be it further

Resolved, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives and the Chief Clerk of the Senate, to the President of the United States, the Vice President, and the President of the Senate and to the Speaker of the House of Representatives in the Congress of the United States from the Commonwealth of Pennsylvania.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 815, entitled:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," requiring certain qualifications for the Adjutant General, and establishing a board for the determination and payment of minor damages caused by the National Guard.

House Bill No. 819, entitled:

An Act to amend sections five and nine as amended, sections fourteen and twenty-five, sections thirty-two and thirty-four as amended, sections thirty-six and thirty-seven, section thirty-eight as amended, and section forty, and to repeal section sixty, of the act, approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" by providing a uniform system for the payment of rental and hire for armories, buildings and animals; regulating the payment of compensation for injuries or death resulting from service, decreasing the minimum annual allowances for certain units, and increasing maximum headquarters expense allowance; providing an annual uniform allowance for officers and warrant officers; regulating pay of enlisted men; repealing provisions for collection of military fines by civil process; and otherwise harmonizing the act with Federal Law.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy), in the presence of the Senate, signed the same.

BILLS INTRODUCED

Mr. OWLETT (for Mr. Ziesenheim). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair, Senate Bill No. 1297, entitled:

An Act providing for the payment of the salaries of teachers of elementary schools by the Commonwealth, and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED read in place and presented to the Chair, Senate Bill No. 1298, entitled:

An Act prohibiting any one engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief, and imposing a penalty.

Which was committed to the Committee on State Government.

Mr. FREY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY read in place and presented to the Chair, Senate Bill No. 1299, entitled:

An Act making an appropriation to the Roselia Foundling Asylum and Maternity Hospital at Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

REPORTS FROM COMMITTEE

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 656, entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 657, entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1234, entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian.

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to make report from committeee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 639, entitled:

An Act to amend section seventy-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" as amended to provide for the rendition by the jury of a separate verdict fixing the penalty of first degree murder cases and to regulate the admission of evidence bearing upon the question of the penalty to be imposed.

Mr. BENNETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BENNETT, from the Committee on Banking, reported as committed, Senate Bill No. 236, entitled:

An Act to amend section three of the act approved the eighteenth day of April, one thousand nine hundred and nineteen (P. L. 70), entitled "An act declaring it a misdemeanor for any maker or drawer, with intent to defraud, to make or draw or utter or deliver any check, draft, or order, when such person has not sufficient funds in, or credit with, the depository upon which the same is drawn," by providing for the admission in evidence of the protest of nonpayment of checks, drafts and orders.

Mr. BEAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BEAN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 628, entitled:

An Act permitting courts of this Commonwealth which granted support or alimony to wives in divorce proceedings under the provisions of clause three, section one of the act approved the eighth day of May, one thousand eight hundred and fifty-four (P. L. 644), entitled "A further supplement to the act entitled 'An act concerning Divorces'" as amended to revoke, annul or amend such order after investigation.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS from the Committee on Judiciary General, re-reported as committed, Senate Bill No. 895, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

Mr. HUFFMAN. Mr. President, I ask unanimous consent to make report form committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN from the Committee on Judiciary General reported as committed, Senate Bill No. 1232, entitled:

An Act to amend section seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," as amended, further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases.

BILLS ON THIRD READING

Mr. FREY. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 990 (House Bill No. 1631), on third reading, entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 990 (House Bill No. 1631), as follows:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Gift Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise or organization owned by or with which is affiliated two or more persons or members

"Corporations" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Donee" Any person to whom a gift is made

"Donor" Any natural person making a gift

"Department" The Department of Revenue of this Commonwealth

"Gift" Any property real or personal tangible or intangible or any interest therein or income derived therefrom in trust or otherwise voluntarily granted or transferred either directly or indirectly by any device whatever without consideration or for less than a full and adequate consideration by any donor Provided That in the case of any donor a resident of this Commonwealth the word "gift" shall not include any real or tangible personal property permanently located outside of this Commonwealth and in the case of a donor not a resident of this Commonwealth the word "gift" shall only include such property as is situated within this Commonwealth and subject to its taxing power and Provided further That the word "gift" shall not include property transferred money service or anything of value paid furnished or delivered by any person to or for any member of his immediate family reasonably necessary for current maintenance support and education

"Person" Every natural persons association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 A State excise tax payable by the donor if he is a resident or by the donee if the donor is a nonresident is hereby imposed with respect to any gift in excess of two thousand dollars ($2,000) at following rates

(a) Two percentum upon the clear value of any such gift made to the donor's father mother husband wife children lineal descendants born in lawful wedlock by any adopted children children of a former husband or wife or the wife or widow of the son of the donor and also upon the clear value of any gift made by the mother of an illegitimate child or by any person of whom the mother is a lineal descendant to such child his wife or widow and by any illegitimate child to his mother

(b) Ten per centum upon the clear value of any gift made to any persons other than those set forth in subsection (a) of this section or to any body politic

Section 4 (a) If a gift is made in property of any nature whatsoever the clear market value thereof at the date of gift shall be considered the taxable value of the gift Provided That when any such property is sold or exchanged for less than a fair consideration in money or money's worth then the amount by which the clear market value of the property exceeded the consideration received shall for the purposes of this act be deemed a gift and shall be included in computing the amount of gifts

(b) The clear value of all gifts made during the year to the same donee by the same donor within the same calendar year shall be added together and the aggregate of such amounts shall be considered as one gift for the purposes of taxation under this act and the rates of tax prescribed in this act shall be applied to such aggregate of such amounts

Section 5 Nothing in this act is intended or shall in any wise be considered so that the provisions hereof shall conflict with or modify in any respect the provisions of the Transfer Inheritance or Estate Tax Law

Section 6 (a) Any voluntary gift made by any person to any corporation association or trust organized exclusively for charitable religious or educational purposes no part of the income of which inures to the benefit of any private shareholder member or individual shall not be considered a gift taxable under the provisions of this act

(b) Any voluntary contribution to any corporation association trust community chest fund or foundation organized and operated exclusively for charitable purposes made by any person in any calendar year for the purpose of defraying the normal current expenditures of such corporation association trust community chest fund or foundation during such calendar year or the next succeeding calendar year shall not be considered a gift taxable under the provisions of this act

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year Such report shall contain such information as the department may require

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such person may file a return under oath or affirmation

with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the period covered by such estimated assessment or any other matter of defense whatsoever if a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment.

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to the date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident if such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior to the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the courts of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and thirty (30) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be

the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 18 Except as otherwise provided by the Constitution all taxes interest and penalties that shall be received recovered paid or collected under the provisions of this act before June first one thousand nine hundred and thirty-six shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes interest and penalties paid into the treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. FREY. Mr. President, I move to reconsider the vote by which Senate Bill No. 990 (House Bill No. 1631), was ordered to be transcribed for third reading.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. FREY. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

The twentieth, nineteenth, eighteenth, seventeenth, sixteenth, fifteenth, fourteenth, thirteenth, twelfth, eleventh, tenth, ninth, eighth, and seventh sections of the bill were separately reconsidered.

Mr. FREY. Mr. President, I move to reconsider the vote by which the sixth section of the bill was agreed to.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 6, page 4, line 20 by striking out after the figure "6" and before the word "(In" the following: "(a)"; also, section 6, page 5, line 5 by striking out after the word "association" and before the word "trust" the word: "or"; also section 6, page 5, line 5, by inserting after the word "trust" and before the word "organized" the following: "community chest fund or foundation"; also page 5 by striking out lines 10 to 17, inclusive.

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. REED (Dauphin). Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Frey.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit hemself to be interrogated?

Mr. FREY. Mr. President, I will.

Mr. REED (Dauphin). Mr. President, not having fully understood the purport of the amendments, I desire to ask the Senator from Allegheny, Mr. Frey, if he will explain the amendments to the bill.

Mr. FREY. Mr. President, I will, gladly. The purpose of these amendments is to clarify, and make the section read as follows: "Any voluntary gift made by any person to any corporation, trust, community chest, fund or foundation organized and operated exclusively for charitable purposes, no part of the income of which inures to the benefit of any private shareholder, shall not be considered a gift taxable under the provisions of this Act." And it further eliminates Section 6.

Mr. REED (Dauphin). Mr. President, what does Section 6 do; or, what is the provision in Section 6?

Mr. FREY. Mr. President, Section 6 is unnecessary with this amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth sections of the bill were read as follows and agreed to:

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year. Such report shall contain such information as the department may require.

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return.

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made. Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer. If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided.

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department

shall make an estimated assessment against him by mail or otherwise notice of such estimated assessment to such resident. At any time within thirty (30) days after such notice of such estimated assessment is so given or sent such person may file a return under oath or affiirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment. Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal in any suit for the collection for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the estimated assessment is made but not within the time reperiod covered by such estimated assesment or any other matter of defense whatsoever. If a return is filed before an quired by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment.

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to the date of assessment Promptly thereafter the department shall give or send by by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior is the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detaail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and thirty (30) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assesed in the manner prescribed in this act and as such shall be a lien upon the franchise and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealh to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be unlawful for writs of scire facias to issue and be prosecuted to udgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books payers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may

compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 18 Except as otherwise provided by the Constitution all taxes interest and penalties that shall be received recovered paid or collected under the provisions of this act before June first one thousand nine hundred and thirty-six shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes interest and penalties paid into the treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

The title of the bill was read as follows and agreed to:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEE

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Finance reported as amended, Senate Bill No. 663 (House Bill No. 1127), entitled:

An Act to further amend section twenty-three of the act approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies, and water companies, and steam heating companies, and to gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax; and increasing the rate of tax imposed by the act and exempting street passenger railway companies and traction companies.

Mr. ROBERTS. Mr. President, I ask unanimous censent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ROBERTS from the Committee on Finance reported as committed, Senate Bill No. 717 (House Bill No. 838), entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations; imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships and companies heretofore exempt; and increasing the rate of tax on the capital stock of fire and marine insurance companies.

BILLS ON SECOND READING

Mr. McCLURE. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 721 (House Bill No. 857), on second reading, entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof

every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after ten years and repealing certain acts

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 721 (House Bill No. 857), entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after ten years and repealing certain acts

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 1305 Reports by Banks Fiduciaries Prothonotaries Et Cetera in the month of January of each year reports heretofore made to the Auditor General shall hereafter be made to the Department of Revenue as follows

(a) Every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation doing business in this Commonwealth [except] including savings funds savings institutions and savings banks [subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] which receives or has received deposits of moneys shall make a report of such deposits of money which shall not have been increased or decreased or if not increased or decreased on which interest is not known to have been credited on the pass-book or certificate of deposit of the depositor at his request within [fourteen] ten or more consecutive years next preceding the first day of said month The said period of [fourteen] ten years shall be computed from the date when the deposit was first made or was increased or decreased or interest was entered in the pass-book or on the certificate of deposit of the depositor whether the deposit was at such date in the possession of the depositor holding the same at the expiration of said period of [fourteen] ten years or was in the possession at said date of any other depository the deposits of which were afterwards taken over by a depository holding such deposit at the expiration of said period of [fourteen] ten years

(b) Every trustee guardian committee executor administrator assignee receiver or other person or corporation acting in any fiduciary capacity whatever shall make a report of all moneys or other estate held by him or it under a dry trust or under or by reason of an active trust which has terminated the beneficial owner or owners of which moneys or estate shall have been unknown or the whereabouts whereof shall have been unknown for a period of seven years next preceding the first day of said month

(c) Every prothonotary of a court of common pleas and every clerk of an orphans' court shall make a report of any estate or effects which shall have been paid into and deposited in the court of which he is an officer or shall be in the custody of any depository receiver or other officer of said court the rightful owner or owners of which estate or effects shall have been unknown or the whereabouts of such owner or owners shall have been unknown for the period of seven or more successive years next preceding the first day of said month

(d) Every person partnership limited partnership partnership association bank bank and trust company national bank trust company safe-deposit company or other corporation or association engaged in the business of receiving moneys on deposit or securities or other property for safe-keeping which has received and holds in any manner not elsewhere in this act mentioned any money belonging to another person or which has received and holds any other property or estate of another person for storage or safe-keeping or otherwise in any manner whatsoever shall make a report of all such money or property so far as known the amount of which money has not been claimed or access to which property has not been had by the person for whom the same is held within seven or more successive year next preceding the first day of said month

(e) Every bank national bank bank and trust company trust company or other corporation association partnership limited partnership and partnership association engaged in the business of receiving moneys on deposit or securities or other property for safe-keeping in this Commonwealth except building and loan association shall make a report of all dividends or profits declared by it

to any stockholder or member and not paid for three or more successive years next preceding the first day of said month and all debts and interest on debts due by it to any creditor and not paid for three or more successive years next preceding the first day of said month and of all property held by it for the benefit of another person which property shall have been demandable by such other person for seven or more successive years next preceding the first day of said month and shall not have been received by such other person

Every report required by this section shall show the names and addresses of the depositors of such money or the owners of such property received for storage or safekeeping of the said stockholders members or creditors and of the persons entitled to demand the property held for the benefit of another in the cases respectively and the nature and amount of such deposits of money property dividends profits debts and interest on debts and property held for the benefit of another so far as known and if any such particulars be not known it shall be so stated and such particulars as are known shall be stated and such reports shall be in the form prescribed by the Department of Revenue and shall be verified by affidavit of the persons making the same and in the case of a corporation or other person not a natural person shall be made and verified by affidavit of the treasurer thereof or chief financial officer if there be no treasurer said affidavit to declare that the report is true and contains all the facts required by law to be reported

Every person liable to make such report shall permit the Department of Revenue acting through any deputy clerk accountant or attorney designated by it for that purpose to inspect the records books and papers of such person relating to the subject matter of such report and when required by the Department of Revenue by subpoena signed by the Secretary of Revenue designating a certain time and place any person whether liable to make such report or not shall attend as a witness before any deputy clerk accountant or attorney designated by it for that purpose with such records books and papers as the Department may require and shall answer fully such questions as may then be put to him concerning the subject matter of this section and permit full inspection of such records books and papers

No person shall be excused from answering or from attending and testifying or from producing books papers and records in any proceeding under the provisions of this section or in any proceeding criminal or otherwise relating to the subject matter thereof for the reason that the answer or testimony or evidence documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may answer or testify or produce evidence documentary or otherwise in any such proceedings Provided That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying

If any person or corporation shall fail to comply with any summons of the Department of Revenue for the attendance of persons or for the production of books accounts documents or papers or shall refuse to be sworn as a witness or refuse to testify fully as such or if any person or corporation shall refuse to permit any person designated by the Department of Revenue to inspect books accounts documents or papers as required by this section the Attorney General acting for the Department of Revenue may apply by petition in the name of the Commonwealth to the court of common pleas having jurisdiction and the court shall make such order on reasonable notice to such person or corporation as shall compel compliance with the law and the violation of such order shall be a contempt of such court and punishable as such The remedies herein provided shall be in addition to other remedies and penalties provided by law

No fee or reward shall be paid to any person for information which shall result in the escheat of any property which is reported or required to be reported under the provisions of this section but this section shall not apply to corporations which are not engaged in receiving deposits of money securities or other property for safekeeping

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 1, page 4, line 13, by inserting after the word "month" the following: "in all cases except savings funds, savings institutions and savings banks, and in the case of savings funds, savings institutions and savings banks shall not have been so increased, decreased or credited within a period of twenty-one or more consecutive years next preceding the first day of said month"; amend section 1, page 4, line 13, by inserting after the word "years" the following: "or twenty-one years as the case may be"; amend section 1, page 4, line 19, by inserting after the word "ten" the following: "or twenty-one"; amend section 1, page 4, line 23, by inserting after the word "ten" the following: "or twenty-one"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the motion as amended?

It was agreed to.

The second and third section of the bill were read as follows, and agreed to.

Section 2 Sections one two and three of the act approved the seventeenth day of April one thousand eight hundred and seventy-two (Pamphlet Laws sixty-two) entitled "An act relating to unclaimed deposits in savings banks and transfers of stock" and all acts amendatory and supplementary thereto are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement of other disposition of funds and securities belonging to or in the possession of the Comomnwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depositary and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after ten years and repaling certain acts

On the question,

Will the Senate agree to the title?

Mr. McCLURE. Mr. President, I move to amend title, page 2, line 17, from top of page, by striking out the word "ten" and insert in lieu thereof: "certain"

Mr. CLARK. I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. McCLURE. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 722 (House Bill No. 858) on second reading, entitled:

An Act to further amend section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled "An act providing for the escheat of deposits of money or property of another received for storage or safekeeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnerships associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall escheat after ten years and making an appropriation

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 722 (House Bill No. 858), entitled:

An Act to further amend section seven of the act approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred seventy eight), entitled "An act providing for the escheat of deposits of money or property of another received for storage or safekeeping; the dividends, profits, debts, and interest on debts of corporations, companies, banks, trust companies, insurance companies, limited partnerships, and partnership associations, organized under the laws of this Commonwealth, except mutual saving-fund society not having a capital stock represented by shares, and except also building and loan associations, and property held for the benefit of another by the same, and the profits, accretions, and interest on such property, as well as interest thereon accrued, or which should have accrued, between the fixing of the amount of such property by the award of any court and the actual distribution thereof," by requiring that unclaimed deposits with every person, copartnership, bank, national bank, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank, shall escheat after ten years and making an appropriation.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred seventy-eight) entitled "An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" as last amended by the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred twenty-three) is hereby further amended to read as follows

Section 7 After any particular deposit of money made [otherwise than in a saving-fund savings institution or savings bank subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall not have been increased or decreased or if not increased or decreased shall not be known to have been credited with interest on the pass book or certificate of deposit of the depositor at his request for the period of [fourteen] ten successive years the same shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest thereon actually accrued to the date of the decree for the escheat of the same whether such deposit was at the expiration of said period in the possession of the depositary with which it was originally deposited or in the possession of another depositary which took over mediately or immediately in any manner whether before or after the expiration of said period of [fourteen] ten years the deposits of the depository with which the deposit was originally made

After the owner beneficial owner or person entitled to any of the following named moneys or property shall be and remain unknown or the whereabouts thereof shall have been unknown for the period of seven successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheatable in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same namely

(a) Moneys or other estate of any kind whatsoever held by any person bank national bank trust company or other association or corporation as guardian committee executor administrator assignee or receiver or as trustee under or by reason of any other trust the active duties of which have terminated except the delivery or payment to the beneficiaries thereunder of the subject of the trust and any increments accrued thereon

(b) Any moneys estate or effects paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of any such court

After any moneys or property held by any person bank national bank trust company or other corporation or by any association limited partnership or copartnership belonging to any other person the escheat of which is not otherwise provided for in this section has been and remained unclaimed by the person for whom the same is held for the period of seven or more successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

After any dividend or dividends profit or profits de-

clared by any bank national bank trust company or other corporation or association or by any partnership and after any debt or interest on any debt or debts owed by any such bank national bank trust company or corporation association or copartnership shall have been and remained due and unpaid for three successive years such dividends or profits debt or interest on debt shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

Such escheat shall at the suggestion of the Auditor General be determined and enforced by an action in the nature of a bill in equity filed by and in the name of the Attorney General against the depositary fiduciary or debtor and all of his or its depositors beneficiaries or creditors for whom he or it holds unclaimed moneys escheatable under the provisions of this act in the appropriate court for the county where the debtor if an individual resides or if a corporation where it maintains its principal office Such action shall be brought in the court of common pleas except (a) Where it is sought to escheat unclaimed trust funds in which case the same shall be brought in the court having jurisdiction of such funds and except (b) where it is sought to escheat moneys paid into or deposited in a court or in the custody of any officer thereof in which case such action shall be brought in the court into which the money was paid or in which it was deposited or in the custody of an officer of which court the said moneys are

When the moneys have been paid into and are in the custody of any court the escheat of the same shall be determined and enforced at the suggestion of the Auditor General by a petition filed by the Attorney General in said court upon which proceedings shall be had as in other cases of escheat provided for by this section Proceedings for the escheat of moneys in the possession or custody of any officer of any court shall be by a bill as provided for by this section in other cases in which bill such officer and the persons entitled to such moneys shall be made codefendants

Any such escheat proceedings may be prosecuted whether the deposits dividends moneys funds or other property or estate sought to be escheated shall have been reported to the Auditor General in conformity with the provisions of this act or have not been so reported Any number of items may be joined in one action against one debtor though owed to different creditors

If service of the bill cannot be had on the creditors defendant within the State service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which the debtor is resident or has its principal office and also when practicable for the same period in such a newspaper published in the county within or without the Commonwealth where when last heard from by the debtor the creditor had his residence Publication may be made in such form as the court shall direct and need not contain any order or other paper in full

If such creditors or their legal representatives shall appear in the cause within the time limited by the court and establish their right to recover said sums from the debtor but for the provisions of this act and if this right shall not be barred by the statute of limitations or presumption of payment a decree shall be made for the payment of said sums to them after paying their proportionate part of the costs of the cause and of said advertising Provided That such persons on demand may have any issue of fact determined by a jury and if they shall not so appear and establish such right a decree shall be made that said sums have escheated and shall be paid by the debtor to the State Treasury for the use of the Commonwealth and the amount of such decree shall bear interest at the rate of twelve per centum per year from sixty days after the same is made and such decree shall be effectual to bar the creditors from claiming the said sums from the debtor An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein

An action may be begun in the nature of a bill for discovery merely with respect to the subject matter of this act whether in this or other sections hereof against the debtor without the necessity of specifying the items which should escheat with the right to compel an answer under oath to subpoena all persons as witnesses and to compel the production of all books papers and records and from time to time the bill may be amended to pray for the escheat of specific items under this section seven and to make parties to the bill the creditors as ascertained

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 1, page 2, line 4, by inserting before the word "section" the following: "the title and;" also page 2, lines 6 to 21, by striking out the words "An act pro-" in line 6, and all of lines 7 to 21, both inclusive; also page 3, lines 1 and 2, by striking out both of said lines, and inserting in lieu thereof the following: "as amended 'An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of ceretain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except savings-funds, savings institutions, and savings banks, subject to the provisions of an act, entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock,' approved the seventeenth day of April, Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws, page sixty-two), and except also building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another,' as amended by the act, approved the twenty-first day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, two hundred twenty-three)," are hereby further amended to read as follows: 'An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth (except savings-funds, savings institutions, and savings banks, subject to the provisions of an act, entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock,' approved the seventeenth day of April, Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws, page sixty-two), and except also building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the

interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another." Page 3, line 17, by inserting after the word "years" the following: "in all cases except savings funds, savings institutions, and savings banks, and in the case of savings funds, savings institutions and savings banks shall not have been so increased, decreased or credited for a period of twenty-one years;" also page 3, line 26, by inserting after the word "years" the following: "or twenty-one years as the case may be."

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2. All moneys received prior to June first one thousand nine hundred and thirty-six as escheats under the act to which this is an amendment or under any other act of assembly without escheat as the result of the reduced period of time provided for by this amendment which are in excess of the average amount per annum received from escheats or payments into the State Treasury without escheat under said acts of assembly from the same sources during the preceding five fiscal years ending May thirty-first one thousand nine hundred and thirty-five shall be used only for unemployment relief purposes and for such purposes are hereby appropriated On and after June first one thousand nine hundred and thirty-six such revenues shall be credited to the General Fund

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend Section 2, page 8, line 16, by striking out the words "under said acts of assembly;" also page 8, line 17, by inserting after the word "sources" the following: "under any acts of assembly"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows and agreed to.

Section 3 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act to further amend section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled "An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnerships associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall escheat after ten years and making an appropriation

On the question,

Will the Senate agree to the title:

Mr. McCLURE. Mr. President, I move to amend title, page 1, line 1 of title, by inserting after the word "amend" the following: "the title and;" also page 1, lines 4 to 16, by striking out the words "An act providing for the escheat of de-" in line 4, and all of lines 5 to 16, both inclusive; also page 2, lines 1 and 2 of title, by striking out all of line 1, and the words "the actual distribution thereof" in line 2, and inserting in lieu thereof: "as amended, 'An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except savings-funds, savings institutions, and savings banks, subject to the provisions of an act, entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock,' approved the seventeenth day of April, Anno Dimini one thousand eight hundred seventy-two (P. L., page 62), and except also building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another;" also page 2, line 5 of title, by striking out the word "and" where it appears after the word "corporation" and inserting in lieu thereof: "shall escheat after ten years and in the case of page 2, line 6, by striking out the word "ten" and inserting in lieu thereof: "twenty-one"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 39, entitled:

For the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes farm labor and newspaper boys, by regulating, under the police power of the Commonwealth, the minimum wage which shall be paid to such women and minors; providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health, safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General, the Department of Labor and Industry, and the Secretary of Labor and Industry; imposing certain duties on employers; and requiring certain records to be kept and information to be furnished by them; prohibiting contracts for, and payment of, less than the minimum wage standards; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 236, entitled:

An Act to amend section three of the act approved the eighteenth day of April, one thousand nien hundred and nineteen (P. L. 70), entitled "An act declaring it a misdemeanor for any maker or drawer, with intent to defraud, to make or draw or utter or deliver any check, draft, or order, when such person has not sufficient funds in, or credit with, the depository upon which the same is drawn," by providing for the admission in evidence of the protest of nonpayment of checks, drafts and orders.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 457, entitled:

An Act providing that any order of the juvenile court of any county of the second class or action of any of its probation officers touching the custody of any child under the jurisdiction of said court calculated to effect the liability of said county for the support or maintenance of said child shall in order to effect the county's liability for the same be certified or reported by the clerk chief probation officer for such other person as said court shall designate to the county commissioners of such county with full details within five days after said order is made or action taken and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 628, entitled:

An Act permitting courts of this Commonwealth which granted support or alimony to wives in divorce proceedings under the provisions of clause three, section one of the act approved the eighth day of May, one thousand eight hundred and fifty-four (P. L. 644), entitled "A further supplement to the act entitled 'An act concerning Divorces,'" as amended, to revoke, annul or amend such order after investigation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 639, entitled:

An Act to amend section seventy-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" as amended to provide for the rendition by the jury of a separate verdict fixing the penalty of first degree murder cases and to regulate the admission of evidence bearing upon the question of the penalty to be imposed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 656, entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An Act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 657, entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 663 (House Bill No. 1127), entitled:

An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by extending the tax imposed by the act to the gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax and increasing the rate of tax imposed by the act and exempting street passenger railway companies and traction companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 717 (House Bill No. 838), entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax upon the capital stock of certain corporations joint-stock associations limited partnerships and companies heretofore exempt and increasing the rate of tax on the capital stock of fire and marine insurance companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 759 (House Bill No. 371), entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 788 (House Bill No. 676), entitled:

An Act to amend sections one and two of the act approved the fifth day of May one thousand nine hundred and thirty-one (P. L. 91) entitled "An act authorizing the Department of Forests and Waters in certain instances and with the approval of the Governor to construct improve or repair at the expense of the Commonwealth portions of roads or highways connecting roads or highways lying within areas of State forest lands with State county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1006, entitled:

An Act to amend sections four hundred and twenty-three and five hundred and seventy-one of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning township of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the collection of county, township and school taxes by the county commissioners in certain cases; conferring power on school districts and townships with respect to the collection of their taxes; and providing that the bonds of township tax collectors shall be fidelity bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1140, entitled:

An Act to amend section one of the act, approved the eighth day ofMay, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," by limiting the time within which applications therefor may be made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1184 (House Bill No. 1221), entitled:

An Act to amend a part of section one of the act approved the twelfth day of May one thousand nine hundred and eleven (P. L. 301) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1215 (House Bill No. 2222), entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1232, entitled:

An Act to amend section seven of the act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," as amended, further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1234, entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1296, entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-five (Act No. 52), entitled "An act authorizing the abatement of certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes," by providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 9:42 P. M. until Monday evening, May 13, 1935, at 9:00 o'clock.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 8, 1935

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Our dear Heavenly Father, we come to Thee this morning, Our hearts filled with gratitude because of the beautiful day which Thou hast given unto us, and after the week of rain in our spiritual life, when we have days of darkness, sadness and sorrow, that Thou wilt always come with Thy spirited peace and comfort.

Especially do we this morning that Thou wilt let Thy love rest upon those of our number who are on sick beds or at sick beds of loved ones, that Thou wilt comfort and strengthen and speedily restore them.

Forgive us our sins. Lead us in Thy service. In the Master's name, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FLANAGAN the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

HIGHWAYS FUNDS

A petition from residents of Upper Tulpehocken Township, Berks County, opposing Senate No. 440 and favoring passage of House Bill No. 977.

A resolution from the Board of Supervisors of Washington Township, Wyoming County, favoring passage of House Bill No. 977.

Referred to the Committee on Highways.

BLUE LAWS

A resolution from members of the Second Presbyterian Bible School of Pittsburgh:

A resolution from members of East Union Church of West Deer Township, Allegheny County;

A resolution from the Teachers Association of the Sabbath School of First Presbyterian Church of Olney, protesting passage of anti-sabbath legislations.

Referred to the Committee on Law and Order.

TAXES

A resolution from the Ginger Hill Grange No. 1549, favoring legislation removing taxation from real estate, graduated income tax, sales tax, and highways to maintained by motor fund.

Referred to the Committee on Ways and Means.

BOOTLEG COAL

A communication from citizen of Baltimore Maryland opposing passage of House Bill No. 1432.

Referred to the Committee on Highways.

ROADS

A communication from the President of Sugar Grove Township Supervisors urging passage of Senate Bill No. 440.

A communication from the assessor of Ringgold Township, protesting passage of Senate Bill No. 440.

Referred to the Committee on Highways.

SENATE MESSAGE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 1015.

An Act to amend sections one, seven and eleven of the act approved the seventh day of February, one thousand, nine hundred and six (P. L. 7), entitled "An act to enable cities that are now, or may hereinafter be, contiguous or in close proximity, to be united, with any intervening land other than boroughs, in one municipality; providing for the consequences of such consolidation, the temporary government of the consolidated city, payment of the indebtedness of each of the united territories, and the enforcement of debts and claims due to or from each," by requiring a majority vote in each city and in the intervening land voting on the question of consolidation and extending the provisions of said act to pending proceedings.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1267.

An Act to repeal the act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws six hundred sixty-five) entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

HOUSE BILL No. 1263.

An Act to repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred fifty) entitled, "An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

HOUSE BILL No. 1633.

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-five) entitled, "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as folows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 1015.

An Act to amend sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (P. L. 7) entitled "An act to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to or from each" by requiring a majority vote in each city and in the intervening land voting on the question of consolidation and extending the provisions of said act to pending proceedings

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 751. HOUSE BILL No. 2831.

An Act creating County Assistance Boards for the administration of unemployment relief and abolishing existing agencies created for the administration of unemployment relief conferring powers and imposing duties upon such county assistance boards the Governor courts county treasurers and the Auditor General imposing on counties part of the costs of administration incurred by such boards providing penalties and repealing inconsistent acts

Referred to the Committee on Judiciary Special.

SENATE BILL No. 805. HOUSE BILL No. 2832.

An Act making an appropriation to the George F. Geisinger Memorial Hospital Danville Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 1150. HOUSE BILL No. 2833.

An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections: providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violation of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws.

Referred to the Committee on Insurance.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 815.

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" requiring certain qualifications for the Adjutant General and establishing a board for the determination and payment of minor damages caused by the National Guard.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, line 4, by inserting after the word "officer" the words "In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double."

Amend Section 2, page 4, line 17, by inserting after the word "injuries" the words "occurring subsequent to July first one thousand nine hundred and thirty-one."

Amend bill page 4, line 26, by inserting thereafter an entire new section as follows: "Section 3 This act shall become effective immediately upon final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Finnerty,	McDevitt,	Shugarts,
Alexander,	Fitch,	McElroy,	Siegel,
Allen,	Flanagan,	McHenry,	Simon,
Altenburg,	Flinchbaugh,	McKinney,	Simpson,
Andrews,	Forrest,	Melchiorre,	Sinwell,
Arnold,	Furman,	Mentzer,	Sloan,
Atkins,	Gates,	Merrell,	Smith, J. A.,
Aukerman,	Gerard,	Moomaw,	Smith, W. G.,
Baine,	Gillette,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Green,	Moore,	Snyder, J. L.,
Baker, J J.,	Habbyshaw,	Moran,	Sowers,
Baldi,	Haberlen,	Moul,	Spangler,
Barnhardt,	Hagerty,	Muir,	Sproul,
Bernhard,	Haluska,	Munley,	Stank,
Blumberg,	Hamilton, F. P.,	Murrin,	Stevens,
Boose,	Hamilton, R. S.,	Nagel,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stockham,
Bradley,	Harmuth,	Ominsky,	Stott,
Brancato,	Hart,	O'Neill,	Sumney,
Brennan,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Trout,
Cannon,	Hindman,	Pearson,	Tumelty,
Caputo,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Rinn,	Welliver,
Conner,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Ruffennach,	White,
Denning,	Kobelak,	Ruth,	Wickersham,
Dent,	LaRue,	Scanlon,	Winner,
Diehl,	Linderman,	Schrock,	Witkin,
Dilley,	Long,	Schrope,	Wood,
Downey, G. E.,	Longaker,	Schwab,	Woodside,
Downey, J. J.,	Lovett,	Schwartz,	Yeakel,
Duffort,	Lynch,	Shaw,	Yourishin,
Eberharter,	Male,	Shepard,	Zappala,
Eroe,	Mason,	Shortz,	Zimmerman,
Falkenstein,	McDermott,	Shreiner,	Sarig,
Ferko,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 819.

An Act to amend sections five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensation for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonizing the act with Federal law

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill, page 13, line 19, by adding thereto an entirely new section 7, as follows:

"Section 7 This act shall become effective immediately upon final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Finnerty,	McDevitt,	Shugarts,
Alexander,	Fitch,	McElroy,	Siegel,
Allen,	Flanagan,	McHenry,	Simon,
Altenburg,	Flinchbaugh,	McKinney,	Simpson,
Andrews,	Forrest,	Melchiorre,	Sinwell,
Arnold,	Furman,	Mentzer,	Sloan,
Atkins,	Gates,	Merrell,	Smith, J. A.,
Aukerman,	Gerard,	Moomaw,	Smith, W. G.,
Baine,	Gillette,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Green,	Moore,	Snyder, J. L.,
Baker, J J.,	Habbyshaw,	Moran,	Sowers,
Baldi,	Haberlen,	Moul,	Spangler,
Barnhardt,	Hagerty,	Muir,	Sproul,
Bernhard,	Haluska,	Munley,	Stank,
Blumberg,	Hamilton, F. P.,	Murrin,	Stevens,
Boose,	Hamilton, R. S.,	Nagel,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stockham
Bradley,	Harmuth,	Ominsky,	Stott,
Brancato,	Hart,	O'Neill,	Sumney,
Brennan,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Trout,
Cannon,	Hindman,	Pearson,	Tumelty,
Caputo,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Rinn,	Welliver,
Conner,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Ruffennach,	White,
Denning,	Kobelak,	Ruth,	Wickersham,
Dent,	LaRue,	Scanlon,	Winner,
Dilley,	Linderman,	Schrock,	Witkin,
Diehl,	Long,	Schrope,	Wood,
Downey, G. E.,	Longaker,	Schwab,	Woodside,
Downey, J. J.,	Lovett,	Schwartz,	Yeakel,
Duffort,	Lynch,	Shaw,	Yourishin,
Eberharter,	Male,	Shepard,	Zappala,
Eroe,	Mason,	Shortz,	Zimmerman,
Falkenstein,	McDermott,	Shreiner,	Sarig.
Ferko,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

STATEMENT BY MR. WITKIN

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, on page five of today's "Inquirer" in column three there appears the following statement: "McAtee" — — referring to one Leo T. McAtee of Clearfield — — "declared that Mrs. Mountz — —" referring to from the statement immediately above Mrs. Ella J. Mountz — — "contributed forty thousand dol-

lars to the campaign fund of Judge M. Ward Fleming of Centre County." I have just received a long distance phone call from Judge M. Ward Fleming requesting that on the floor of this House, on his behalf I vehemently deny this statement. He tells me that I should tell this House that Mrs. Ella J. Mountz did not contribute one cent toward his campaign, that not only did she not contribute any money to his campaign, but that she worked for his opponent who ran against him and did everything within her power to bring about his defeat. He has no quarrel to find with her on account of that because that is her right, was her right and was her prerogative, but he certainly did not want the fact to go forth that one who opposed him so bitterly, or anyone, contributed any sum of money to his campaign when that fact is not so.

He further advised me that he believed that he has information that he believes to be true that instead of contributing to his campaign, the lady referred to, Mrs. Ella J. Mountz, contributed to the campaign of his opponent.

Mr. SHUGARTS. Mr. Speaker and members of the House, on the article read by the gentleman from Philadelphia, Mr. Witkin, the title stating that Mr. Leo T. McAtee is from Clearfield is not true. Mr. McAtee is from Clearfield County. He is from Madeira, but not from Clearfield.

LEAVES OF ABSENCE

Mr. Murrin asked and obtained leave of absence for Mr. BRUMBAUGH on account of sickness in the family.

Mr. Hoopes asked and obtained leave of absence for Mrs. WILSON for the balance of the week on account of death in the family.

Mr. Shepard asked and obtained leave of absence for Mr. HOMER S. BROWN.

Mr. FLANAGAN asked and obtained leave of absence for himself for the balance of the week.

Mr. Ruth asked and obtained leave of absence for Mr. STONE for the balance of the week on account of sickness in the family.

REPORTS FROM COMMITTEES

Mr. WEISS from the Committee on Judiciary General reported as amended, House Bill No. 1900, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking, injury or destruction of private property under the right of eminent domain, where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

Mr. FLANAGAN from the Committee on Judiciary General reported as committed, House Bill No. 2370, entitled:

An Act fixing the liability for the expense of care and treatment of patients in tuberculosis sanatoriums maintained by the Commonwealth; and providing for the collection of the moneys due the Commonwealth therefor.

Mr. MALE from the Committee on Banking reported as amended, House Bill No. 2321, entitled:

An Act licensing and regulating the business of financing conditional sale contracts, providing for the issuance of license by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, and prescribing penalties for the violation of this act.

Mr. COAKLEY from the Committee on Insurance reported as committed, House Bill No. 2544, entitled:

An act to amend the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), as amended, entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by authorizing the State Workmens' Insurance Board to pay dividends in such proportion as it may determine; by giving the said board the right to reject any risk; and by authorizing the State Fund to write any form of workmen's compensation or employers' liability insurance.

Mr. DENT from the Committee on Public Utilities reported as committed, House Bill No. 2648, entitled:

An Act prohibiting electric light companies from discriminating in minimum charges or base rates between houses, apartments or buildings because of difference in number of rooms served.

Mr. DENT from the Committee on Public Utilities reported as committed, House Bill No. 2126, entitled:

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies; and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proprotionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such order, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twen-

ty-fourth day of May, Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring open bidding on certain contracts of public service companies having the power of eminent domain.

Mr. MENTZER from the Committee on Public Utilities reported as committed, House Bill No. 2591, entitled:

An Act requiring water, gas and electric companies with exclusive franchises to serve all persons, copartnerships, associations and corporations within the municipality or township; and providing for enforcement by the Public Service Commission.

Mr. MENTZER from the Committee on Public Utilities reported as committed, House Bill No. 2682, entitled:

An Act providing for the formation of non-profit membership corporations to be known as electric membership corporations for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to the inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management of the business of such corporations; providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of bonds by such corporations; and providing for the payment of such bonds and the rights of the holders thereof.

Mr. O'NEILL from the Committee on Insurance reported as committed House Bill No. 2402, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

Mr. JOHN E. BROWN from the Committee on Public Utilities reported as committed, House Bill No. 2690, entitled:

An Act to regulate and control the use of the public highways of this Commonwealth by carriers operating motor vehicles for compensation or hire other than common carriers along and over the public highways of this Commonwealth defining private contract carriers requiring private contract carriers to procure permits empowering the Public Service Commission to grant, revoke and suspend permits empowering The Public Service Commission to fix minimum rates, fares and charges of private contract carriers, prescribe maximum hours of employment for drivers of private contract carriers, trucks requiring identification insignia to be displayed in or on private contract motor trucks, prescribing fees and penalties, increasing the jurisdiction of the Court of Common Pleas of Dauphin County and providing appeals from the orders of the Public Service Commission.

Mr. EBERHARTER from the Committee on Judiciary General reported as amended, House Bill No. 1901, entitled:

An Act regulating the procedure in the court of common pleas in cases where there shall be divers claimants in different rights for all or part of a single award of damages or verdict in favor of any one of such claimants in matters arising under the exercise of the right of eminent domain.

Mr. EBEBRHARTER, from the Committee on Public Utilities reported as amended, House Bill No. 2673, entitled:

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authorizing to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compeling common carriers by railroad to properly man their trains.' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," giving to the Public Service Commission the power and authority to vary, reform or revise, on a fair and equitable basis, contracts to which a public service company is a party and the subject-matter whereof concerns or affects a public right, benefit, privilege, duty or franchise; providing for a hearing and determination of the matter of a variance, reformation or revision of such contracts, and providing for the issuance and services of orders by the Public Service Commission varying, reforming or revising such contracts and the effective date of such orders.

Mr. ACHTERMAN, from the Committee on Judiciary General reported as committed, House Bill No. 1122, entitled:

An Act to amend section fifty-one of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382)), entitled "An act to Consolidate. Revise and Amend the Penal Laws of this Commonwealth," by changing the fines and penalties thereunder.

Mr. SHEPARD, from the Committee on Insurance, reported as committed, House Bill No. 2398, entitled:

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds Associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws, by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commission and providing penalties for neglecting to furnish the same.

Mr. STANK, from the Committee on Public Utilities reported as committed, House Bill No. 2300, entitled:

A Supplement to the act approved the eighth day of May, one thousand eight hundred and eighty-nine (P. L. 136), entitled "An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the incorporation and regulation of electric light, heat and power companies," by granting to every corporation heretofore or hereafter incorporated for the supply of light, heat and power, or any of them to the public by electricity, and to every corporation which has heretofore accepted the provisions of said amendment, enlarged power to appropriate property, situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles, or their supports, and other appurtenances, or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways, request temporary or permanent relocation, change or alteration of or in any pole line facilities of any such company; and providing a method for the assessment of damages arising from such appropriation.

Mr. PIOLE, from the Committee on Boroughs and Townships reported as committed, House Bill No. 618, entitled:

An Act to authorize boroughs and townships of the first class to sue out writs of scire facias on certain tax liens or to revive judgments on such liens where more than five years have elapsed since liens were filed or such judgements were entered or revived, and to reduce such liens to judgement or to revive such judgements, and providing for the revival and collection of such judgements.

Mr. TUMELTY, from the Committee on Insurance reported as committed, House Bill No. 2357, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), as amended, entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and interinsurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing insurance companies, associations, and exchanges to apply for and obtain insurance of mortgages, and to make further investments of capital, reserve, and surplus funds, pursuant to the National Housing Act; by adding a new section.

Mr. COCHRAN, from the Committee on Public Utilities, reported as committed, House Bill No. 2395, entitled:

An Act to repeal the act, approved the twentieth day of May, one thousand nine hundred twenty-one (Pamphlet Laws one thousand ten), entitled "An act authorizing the merger and consolidation of water or water power companies organized prior to the first day of April, one thousand nine hundred and five, and providing the manner in which such merger shall be effected," and its amendment.

Mr. COCHRAN, from the Committee on Public Utilities reported as committed, House Bill No. 2395, entitled:

An Act to amend section two of the act, approved the seventeenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws, two hundred fifty-one), entitled "An act authorizing the sale, assignment, disposition, transfer, and conveyance of the franchises and of the property, real, personal and mixed, of any water or power water companies organized prior to the first day of April, one thousand nine hundred and five, to another water or water power company, also, organized prior to the first day of April, one thousand nine hundred and five; and providing the manner in which said sale and purchase shall be effected," by eliminating the proviso relating to the acceptance of the provisions of the act, approved the thirteenth day of April, one thousand nine hundred five (Pamphlet Laws, one hundred fifty-two).

Mr. BAINE, from the Committee on Education reported as committed, House Bill No. 2212, entitled:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 302), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class; and providing when liability on such bond shall cease.

Mr. SOWERS, from the Committee on Judiciary General reported as committed, House Bill No. 1342, entitled:

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership, operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent, providing the nature of public liability policy which may be used as such proof; providing for the regulation of the risk classifications underwriting rules, premiums, rates and schedule or merit rating plans of insurance companies issuing such policies; providing penalties, and repealing all inconsistent acts and parts of acts.

Mr. SPROUL, from the Committee on Boroughs and Townships reported as amended, House Bill No. 2206, entitled:

An Act to amend section one thousand three hundred and one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled, "An act concerning boroughs and revising amending and consolidating the law relating to boroughs," as amended, establishing a compulscry tax levy for fire protection.

Mr. SPROUL, from the Committee on Boroughs and Townships, reported as amended, House Bill No. 2207, entitled:

An Act to amend clause four of section seven hundred and two and clause five of section nine hundred five of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection, and requiring the levy of a tax for fire protection.

Mr. SURFACE, from the Committee on Education reported as committed, House Bill No. 1716, entitled:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the officers of school districts, to join with or aid any individual or association in the maintenance, or the establishment and maintenance, of a public library, although a school library already exists.

Mr. WASSERMAN, from the Committee on Public Utilities reported as committed, House Bill No. 2297, entitled:

A Supplement to an act approved the second day of July, one thousand eight hundred ninety-five (P. L. 425), entitled "An act granting to water power companies, and other corporations owning or controlling water power, authority to develop and distribute electric power by means of their water power, and to erect, construct and maintain the necessary buildings, plant and apparatus for that purpose," by granting to every corporation heretofore organized or hereafter to be organized for the purpose of supplying water power to the public, enlarged power to appropriate property situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles or their supports and other appurtenances or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways requesting temporary or permanent relocation, change of alteration of, or in any pole line facilities of any such company and providing a method for the assessment of damages arising from such appropriation.

Mr. WASSERMAN, from the Committee on Pensions and Gratuities, reported as amended, House Bill No. 2490, entitled:

An Act to amend clauses nine and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," opening the system further for original members; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the right of retired persons who return to State service; and providing for the payment out of accumulated deductions and annuities due, by the board in certain cases.

Mr. JOHN J. BAKER, from the Committee on State Government reported as committed, House Bill No. 2794 (Senate Bill No. 888), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits

Mr. SCHWAB, from the Committee on Banking re-reported as committed, House Bill No. 2668, entitled:

An Act to amend section two hundred three of the act approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State Departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts", by making the moneys in the Banking Department Fund available for the re-

imbursement of the General Fund for certain services rendered or supplied by certain departments.

Mr. McDERMOTT from the Committee on Counties re-reported as amended, House Bill No. 373, entitled:

An Act relating to local taxation establishing a centralized system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of all county borough town township and certain school and poor taxes except in certain cities through the county treasurer as county tax collector defining the powers and duties of the county tax collector and of counties boroughs towns townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws.

Mr. BURKE from the Committee on Law and Order reported as committed, House Resolution No. 90.

Mr. WASSERMAN from the Committee on Public Utilities reported as committed, House Resolution No. 142.

Mr. MELCHIORRE from the Committee on Law and Order reported as amended, House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred and fifty-two) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

Mr. MELCHIORRE from the Committee on Law and Order re-reported as amended, House Bill No. 2437, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," by extending the provisions of said act to the manufacture and possession of alcoholic beverages; permitting licensees to sell for consumption off premises; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale and traffic in alcoholic beverages; and prescribing penalties.

SENATE MESSAGE

Mr. RUTH. Mr. Speaker, I desire to call up at this time the message of the Senate which was postponed yesterday.

The message of the Senate was read by the Clerk as follows:

REQUESTING HOUSE TO RECALL RESOLUTION No. 143

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 7, 1935.

Whereas, the Senate on Monday, May 6, 1935, concurred in a Concurrent Resolution, bearing Serial No. 198, inadvertently and without appreciating the full purport and effect of the said Resolution, and

Whereas, it is the sense of the Senate that said Resolution may have effects and consequences not intended either by the framers of the Resolution or by the Senate when it so concurred, and now therefor

Be It Resolved, That it is the sense of this Senate that said Resolution should receive the careful and reliberate consideration of both the Senate and the House of Representatives, and for that purpose the House of Representatives be and is hereby respectfully requested to take proper and appropriate action to recall the said Resolution from the Governor for the purpose aforesaid.

Ordered, That the Clerk present the same to the House of Representatives.

RESOLUTION

RECALLING RESOLUTION 143 FROM THE GOVERNOR

Mr. Ruth offered the following resolution which was twice read as follows:

In the House of Representatives, May 8, 1935.

Resolved (if the Senate concur), That House Resolution No. 143, Printer's No. 965, be recalled from the Governor for further consideration.

On the question,

Will the House adopt the resolution?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WITKIN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, will state his question of parliamentary inquiry.

Mr. WITKIN. Mr. Speaker, as I understand the situation, this Senate resolution bearing a certain number was called up. Now, the paper that was just sent to the desk, is that another resolution or is it an amendment to the original resolution?

The SPEAKER. The Chair wishes to inform the gentleman from Philadelphia, Mr. Witkin, that the first resolution which was read was the resolution from the Senate requesting that House Resolution No. 143 be recalled, and the resolution just introduced by the gentleman from Berks, Mr. Ruth, carries out that request of the Senate.

Mr. WITKIN. Mr. Speaker, may I ask whether the Senate resolution requesting the House to recall it, is

that merely a Senate resolution or is it a concurrent resolution?

The SPEAKER. For the information of the gentleman from Philadelphia the Chair will read the Senate resolution. In the opinion of the Chair it is not a concurrent resolution, but the sense of the resolution seems to imply that it requires the consent of the House. The Chair will read the resolution.

(The resolution of the Senate was again read by the Chair.)

The SPEAKER. Inasmuch as the original resolution was a House resolution and the Senate requests the House to recall that resolution the resolution just introduced by the gentleman from Berks, Mr. Ruth, is a concurrent resolution and the appropriate action is that the resolution start in this body.

Mr. WITKIN. Then, Mr. Speaker, as I understand the situation, and I would like the Chair to advise me if I am correct, the Senate resolution called up by the gentleman from Berks, Mr. Ruth, is not now before this House, but the resolution just introduced in compliance with that Senate resolution, to wit, the resolution of the gentleman from Berks, Mr. Ruth, is the resolution now before the House.

The SPEAKER. That is correct. The resolution introduced by the gentleman from Berks, Mr. Ruth, is now before the House. The Senate resolution was just informative in character.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, will state his point of order.

Mr. ANDREWS. Mr. Speaker, the point of order is that the resolution presented by the gentleman from Berks, Mr. Ruth, is out of order, for the reason that resolution 143 is improperly in the hands of the Governor officially, and is therefore not subject to recall.

The point I am making is of vital concern to all of those interested in the integrity of parliamentary procedure. There has been a tendency to vest in the executive not only control of the actions of the General Assembly but also the veto power, not upon legislative intent, gentlemen of the House, but upon legislative intentions, and there is a vital distinction between the two.

Those of you who have read resolution 143 recognize that it is nothing more or less than an expression of an attitude of mind. The passage of resolution 143 affects the legal status of no one and as the resolution stands is inoperative.

Now then, this resolution cannot be properly in the hands of the Governor, because he cannot make this resolution operative by his signature of approval. If the Governor signs this resolution, the things which this resolution proposes doing, cannot be accomplished except as, if and when enabling legislation is passed, so I say to you that the resolution is inoperative. Now, I am submitting the proposition that the Governor is not vested with the power to veto an intention that the legislature may have in mind. House Resolution No. 143 must be absolutely interpreted by lines 15 to 21 on page six; "That the General Assembly shall pass during this session necessary legislation to carry out the various phases of this resolution and other matters necessary—" and so forth.

Now, you may argue that lines 4 to 12 of the other "resolved" place that obligation upon the Speaker, but I submit to the lawyers of this House that in view of lines 15 to 21, that obligation does not become operative until the second "resolved" has been carried into effect.

Now, this is an important point; we have been legislating for several terms by means of resolutions embodying, Mr. Speaker, in some instances, legislative intent, and, in other instances, simply an intention upon the part of the Legislature, and the resolutions embodying legislative intent and the resolutions embodying an intention upon the part of the Legislature have been accorded exactly the same treatment and there is a fundamental difference between the two.

Why, the situation, gentlemen of the House, is absurd. You know and I know that every line of this resolution is invalid up until the time the legislature acts on the proposals in lines 15 to 21, and I am seriously opposed to writing into the decision made by this Legislature that if the House of Representatives wants to declare its intention of passing certain laws that there is virtue vested in either a legislative veto or a legislative approval and I say to you that since the Governor's signature cannot validate this resolution and since the failure of the Governor to sign it cannot invalidate it, that it has no business in his office, is improperly there, and that this House has no precedent proper for recalling it from his hands.

The SPEAKER. In ruling on the point of order raised by the gentleman from Cambria, Mr. Andrews, the Chair reads for the information of the House Article III, Section 26 of the Constitution of Pennsylvania:

"Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on questions of adjournment, shall be presented to the Governor and before it shall take effect, be approved by him."

In Commonwealth v. Griest, 396 Pa. it was held that the orders, resolutions and votes, which must be submitted to the Governor are, and only can be such as relate to and are a part of the business of legislation, as provided for and regulated by the terms of Article III of the Constitution. This same principle is supported in Armstrong v. King, 281 Pa. 207; also Taylor v. King, 284 Pa. 235.

In an opinion by Attorney General Brown, 1915, page 3, he stated:

"That not all joint or concurrent resolutions passed by the Legislature must be submitted to the Governor for his approval, but only such as make legislation or have the effect of legislating, i.e., enacting, repealing or amending laws or statutes, or which have the effect of committing the state to a certain action or which provide for the expenditure of public money. Resolutions which are passed for any other purpose, such as the appointment of a committee by the Legislature to obtain information on legislative matters for its future use or to investigate conditions in order to assist in future legislation, are not required to be presented to the Governor for action thereon."

Attorney General Woodruff approved the conclusions of Attorney General Brown above cited in 7 D. & C. 672.

In Resolution 143, Printer's No. 965, the first resolve clause, Section (a), provides that two members of the proposed committee shall be appointed by the Governor.

The second resolve clause proposes a committee of three members of the House, and three members of the Senate, together with the Executive Director of the Emergency Relief Board (who is an administrative officer appointed by the Governor), to perform administrative duties of passing on salary increases and personnel and all other matters pertaining to the State Emergency Relief Administration.

The last resolution commits the General Assembly to a definite course of legislative action. Unless the Governor were in accord with this resolution, the Assembly could have no assurance that this course to which it pledged itself could be carried out.

The Chair is, therefore, of the opinion that Resolution 143 very definitely commits the State to certain action pertaining to the administration of relief directly affects the administrative branch of Government; furthermore it requires the Governor to appoint members of a committee which could not be done without his consent, and that the resolution is legislative in character; for these reasons this resolution was properly submitted to the Governor for his approval and the point of order is not well taken.

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman from Franklin, Mr. Moomaw, permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, the gentleman from Franklin, Mr. Moomaw, being the sponsor of Resolution No. 143, may I ask if the gentleman is in favor of recalling it from the Governor.

Mr. MOOMAW. Mr. Speaker, I am still of the opinion that the general thought of my resolution should be, in whatever manner is possible, both from the legislative and constitutional standpoint, carried into effect. If there are points that are unconstitutional in connection with this resolution, that is, if those points were deleted and yet the resolution in its intended purpose put through, I would consent to have it reconsidered by recalling it from the Governor's office.

Mr. WITKIN. Mr. Speaker, do I, therefore, understand the gentleman to state that he is willing to have this resolution recalled so that this House might act upon those parts of the resolution that the gentleman deems to require revision insofar as their constitutionality is concerned, but that in principle he is still for the resolution?

Mr. MOOMAW. Mr. Speaker, I am.

Mr. WITKIN. Mr. Speaker and members of the House, it appears as rather peculiar to me that a resolution sponsored by the Democratic majority in this House and passed by this House is now up for recall without a word of explanation being made by any member of the Democratic majority. I believe that the Democratic majority of this House owes it to the House and owes it to the people of the Commonwealth of Pennsylvania to give us some reason or cause why they have acceded so readily to the Republican majority controlled Senate in its request that we go along in recalling this resolution. It is not very often in this House during this Session that we find the Democratic majority of this House taking the advice and counsel of the Republican Senate. I believe that men ought to meet situation when they arise, and if there is any particular reason for so generously bowing to the will of the Republican controlled Senate, we ought to hear a word from some of the leaders of the Democratic majority as to why this agreement with the Senate meets with their approval. We of the minority will make our explanation; we will tell why we will vote or why I will request the Republican membership to vote to recall this resolution from the Governor. When this resolution was presented on Monday night, there were accusations made that politics was playing a great part in the relief administration of Pennsylvania. This resolution dealt practically with that question. We of the Republican minority went along with this Democratic resolution because we thought and because we believed then as we do now, that politics ought to and should be kept out of relief, and that any investigation or any resolution that went toward the accomplishment of that end ought to meet with our approval.

However, it is true, as the gentleman from Berks, Mr. Hoopes, said the other night, the resolution went through too hastily and many of us did not realize the import and the importance of that resolution. It is our belief after careful consideration of the Moomaw resolution that instead of clearing the waters it would muddy the waters. Instead of taking politics out of relief, it would throw relief into politics and politics into relief. We believe that it is bad in principle and the Republican party is opposed to the intermeddling by the Democrats or Republicans with the administration of relief.

We believe that the relief administrator, Mr. Johnson, ought to be upheld if he is keeping politics out of relief, whether he be a Democratic appointee or a Republican appointee, and I say for the Republican minority of this House that so long as relief is kept out of politics and so long as the present administrator will do so, we will stand solidly by him, despite, perhaps, an apparent mistake, in voting for this resolution on Monday night. We will now cooperate in order to bring it back.

I want to say further that I believe it an ill timed resolution for this reason, there is a joint investigating committee investigating relief in Pennsylvania. That committee is working arduously and diligently, and they are bringing to light the facts that the people of Pennsylvania ought to know.

That Committee will make its report. It is composed of members of both Houses, as all investigating committees in order properly to investigate should be composed here and that committee will make its report and we trust it will be an intelligent and proper report upon which this House can take action, and, so, members of the House, in conclusion, I want to say to you, at the expense of reiteration, we of the minority are in favor of bringing this resolution back, away from the Governor's desk, with the firm belief that politics ought to be kept out of relief, and that we want to be a party in so doing.

Mr. RUTH. Mr. Speaker, this resolution passed Monday evening. The members of the House had no opportunity to read or understand it. One part of the resolution set up members of the House and of the Senate as civil officers which is unconstitutional in itself.

As far as the principle and the spirit of the resolution is concerned, I am one hundred per cent for it. As far as politics in relief is concerned, I do not believe we should have any politics in relief. I do know that the majority members of the House believe that the Pinchot political setup on the relief program is still in effect, and I believe we should recall the resolution from the Governor, cut out the unconstitutional matters and see what we can do with it.

Mr. ANDREWS. Mr. Speaker, I believe that before we recall this resolution we should have a more definite statement of policy at the hands of the majority leader and his associates in this House. The gentleman from Philadelphia is mistaken; this House did not pass this resolution casually. What the members of this House thought was "Here is a resolution condemning the John-

sonized administration of State relief and they said 'we are for it.'"

Now, we are recalling the resolution from the Governor's office. We don't commit ourselves blindly into the hands any definite party. What does the majority propose doing with this relief problem? What is the attitude of His Excellency the Governor with reference to the problems with which every member of this Legislature is troubled? If the Governor's office desires to communicate with this Legislature, it might go further and let us know what is in the mind of the Executive and what is in the mind of the majority on the side of the House.

If you will take your resolution and read the Whereas'es, whereas No. 1, is true; whereas No. 2 is true; whereas No. 3, is true; and whereas Nos. 4, 5, 6, 7, and 8 all whereases are true, and the resolved are not worth the paper they are written on.

The Governor's office says "Come and get it out of my office." Now, we say this, "Mr. Governor, we will take it out of your office and we will lay it on the table perhaps."

Then what?

If the majority have an answer to this problem of relief that has been bedeviling every member of the Democratic party, this morning would be a mighty fine time to lay the cards on the table and to tell us where we are going and what we may expect from His Excellency, the Governor, and what we may expect from the Democratic party of this House regarding this relief problem. It is time we faced it fairly and squarely.

Mr. ALEXANDER. Mr. Speaker I would like to interrogate the gentleman from Philadelphia, Mr. Witkin.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Witkin, permit himself to be interrogated?

Mr. WITKIN. Mr. Speaker, I will.

Mr. ALEXANDER. Mr. Speaker, I believe I understood the gentleman from Philadelphia to say that politics was not in relief nor should it be in relief; is that correct?

Mr. WITKIN. Mr. Speaker, the gentleman understood incorrectly.

Mr. ALEXANDER. Mr. Speaker, may I ask the gentleman from Philadelphia how he would answer this particular situation that exists in my county where ninety percent of the people on relief are Republicans?

Mr. WITKIN. Mr. Speaker, I know nothing about the gentleman's county, and I do not know whether ninety per cent of the people in his county are Republicans, or whether ten per cent are Democrats, or vice versa. It is unfair of the gentleman to expect me to answer a question concerning a situation regarding relief in a county of which I know absolutely nothing. I am neither a soothsayer nor a miracle worker, nor a prophet. If the gentleman will permit me to read a report concerning the question of relief in his county, I might be in position to answer him.

Mr. ALEXANDER. Mr. Speaker, I respect very much the answer of the gentleman from Philadelphia, but it just so happens that that is the condition, and I asked the question simply because the gentleman made the statement that politics does not exist in relief.

Mr. WITKIN. Mr. Speaker, the gentleman asked me a question at the beginning. He asked me whether I did not make that statement and I told him that I did not make it. I did not make the statement that politics was not in relief; I did make the statement that politics should not be in relief, but I didn't make the statement that the gentleman put into my mouth.

Mr. ALEXANDER. Mr. Speaker, I beg the gentleman's pardon on this particular question. It is a matter of fact that the condition does exist in our county. Thank you very much Mr. Witkin.

Mr. Speaker, ladies and gentlemen of the House, that is a condition that does exist in our county. It so happens that very recently we had an examination held for one investigator in the county. Twenty citizens on our county took that examination. The result of that examination is just exactly what this resolution calls for, and that is that in that case the result of the examination was that a young lady received the appointment, who comes from one of our wealthy families in the county, and that inasmuch as in the examination there were people who took the examination and passed with very high marks, the appointment was not available for them, and we are here to object to the fact that it does not exist in the case where it has been proven in our county. It will exist as long as we submit to turning down resolutions such as are before this House.

Now, it is important that this House go on record, — — well it has gone on record, — — it is important that we support those investigations, and if we fail to do that we are doing nothing more than supporting the present setup of emergency relief which the majority members of this House believe is, absolutely necessary, and in that fact we have a right to encourage and support this resolution.

If there are objections because of constitutional illegalities, then we are supposed to submit to those constitutional objections, but I am saying this, that it is important that we at this time, inasmuch as these investigations have started, to carry out and support anything that will pertain to enlightening the people back home on the methods that are now in force with regard to the operation of our emergency relief.

Recently I visited our Emergency Relief headquarters and objected to a manager that we had in our emergency relief setup in Mercer County, and they told me that it was only because this man was capable and so efficient and the only man that they could see that could possibly carry out our emergency relief.

I asked the question whether it was a fact that out of forty thousand some odd hundreds of people, there would be only one man in the county who could carry out the policies of the emergency relief. The point was well taken by our emergency relief director, and I say this, that these people have a right to have representation in carrying out our emergency relief setup in the various counties and when this comes before the members of the House, it is absolutely important that they take a stand and make known to their constituents back home that they are supporting measures carrying out the emergency relief program for their benefit and not retarding measures which are before the House to do that same thing.

Mr. REISING. Mr. Speaker and members of the House, it would appear to me that the charge that this resolution did not proceed to full consideration on Monday night is correct. It would furher appear to me that while we are all anxious to have a complete improvement and renovation of the relief system of the state, at the same time we must not let our enthusiasm run away with our common sense, because at this time in the midst of these various investigations that are taking place throughout the state, none of them or few of them have been wholly completed.

and until such time as these investigations have been completed in the various county units and then gone over by the state relief investigation committee, no intelligent conclusions nor any intelligent report can be made on the subject, so I for one do not feel like going along and hanging a man before he is completely tried.

We only have half of the evidence in, and many charges have been made against the director of the state relief, and I want to say that many of the things that have been said, to my personal knowledge, are lacking in fact, because he has been very courteous and reasonable and has given evidence of his good will toward helping to bring this thing about by the simple fact that he has fallen heir to a condition in Pennsylvania that there is not a man in this state big enough to clear up in four months. So I ask that you go along with this resolution, withdrawing the one that is in the hands of the Governor.

Mr. HALUSKA. Mr. Speaker, I heartily agree with my colleague from Cambria, Mr. Andrews, when he said we should have a showdown. I cannot see the wisdom of upholding Director Johnson at this time. In our investigation of Cambria County—and I speak now as Chairman—and not for the committee. I came into Harrisburg with certain findings. He agreed with them and he would ask our Relief Administrator to resign for a period of thirty days and also our supervisor with pay and then he had asked me if I would be satisfied to have him removed to Chambersburg. Now, what do you think of that, taking him out of Cambria County and removing him over to Chambersburg. Is that to continue forever? Where will it end? I say we should have a showdown and I say we should have it this morning.

Mr. BURKE. Mr. Speaker and members of the House, as a member of the Joint Committee appointed to investigate the administration of relief, I feel at this time that I should make some statement about the resolution of Mr. Ruth that is before the House. I heartily agree with the gentleman from Cambria, Mr. Andrews, on one score, and that is, that it is time that the members of this House made some expression as to their disposition on this matter of relief, but I heartily disagree with the gentleman from Cambria, Mr. Andrews, when he tries to bind this House on a resolution that was read in the usual hurried fashion, without disparagement of the clerk, on so important a subject as the administration of relief.

I know that he can say that we should have heard the resolution, but let us consider the importance, the moment of the resolution. It involves very important questions of policy in the administration of relief. For the short time that the committee has held hearings we have bushels of inconsisent testimony; we have hearsay by the carloads. I don't think that we have had one ounce of substantial testimony, one ounce of testimony that could not be very easily controverted and I say this with full consciousness of the testimony that was given by the gentleman who last spoke, and I ask the members of this House to vote to recall this resolution from the Governor so that the members of this House may have a fair opportunity of putting the cards on the table so that we may soberly read the resolution and vote intelligently, and not be bound by the hurried action of Monday night.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, as a member of the investigating committee, Area No. 4, wherein information was secured for the drafting of this resolution, I feel compelled to stand with my colleague, Mr. Moomaw, in making the statement that a great many of the circumstances brought out in this resolution were brought out in open hearings under oath. There is something wrong with the emergency relief situation, and I believe that the contention that politics be taken out of relief should be augmented with the further statement that politics be kept out of relief, and should be augmented with the further statement that politics should be taken out of relief. However, we as an investigating committee have not come to the point that we are willing yet to make a report. When we are ready to make that report and when we have drawn definite conclusions upon definite facts, I think that that time will be the time to place before the House our findings of facts and ask you to take definite action upon them.

I am not excusing the situation which to my mind appears to be wrong, but it seems to me such a Herculean task to try and clean the stables overnight, an impossible task, that we should reconsider this matter, not with the point of changing our minds on it, but that we should draw definite conclusions from definite facts.

Mr. HALUSKA. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Burke.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Burke, permit himself to be interrogated?

Mr. BURKE. Mr. Speaker, I will.

Mr. HALUSKA. Mr. Speaker, may I ask Mr. Burke when I offered my testimony last night he thought that the words that I told him were untrue?

Mr. BURKE. Mr. Speaker, I am not offering an opinion on whether or not the gentleman's testimony is untrue. I say that if the gentleman made the charge that a person on relief bought fifteen Pierce Arrow cars it doesn't warrant passing pertinent resolutions in the House.

Mr. HALUSKA. Mr. Speaker, may I ask the gentleman if he did not state that the testimony that he received by the carloads was of very little importance.

Mr. BURKE. Mr. Speaker, I agree that it is of great importance; but I say that no matter how shocking the gentleman's testimony may be, the members of this House should not commit themselves on such an important and such a momentous question as imposing on the administration of relief in this state a legislative body, unless that legislative body has had a full opportunity to consider those questions.

Mr. HALUSKA. Mr. Speaker, again I repeat that if any official should be removed from office in one county due to inefficiency, should he be taken to another county? We have that condition in Cambria county, where our Relief Administrator, Robert L. Johnson has promised to take a certain investigator into another county. He has told me that and if the investigator could not serve Cambria county faithfully how in the world can he serve another county faithfully?

We must get some place with our findings, otherwise these investigations are a political joke, a football. I believe in Cambria county our findings were sufficient to ask the removal of certain heads, and then to remove them from Cambria county and place them in another county to carry out the same practice.

We have found where relief investigators bought 30 pairs of shoes and 10 gallons of gas.

I have found occasions where they took relief checks out and had them cashed anywhere from two to ten

dollars, and I was told they deposited $100 and upon investigation we accounted for $441.75. We had a right to believe it and then it takes heaven and earth to have them removed from our county, and now he has taken him over to Chambersburg. I want to ask the members of this House if that is efficiency.

Mr. EROE. Mr. Speaker and members of the House, as a member of the joint committee to investigate relief, I wish to state that Mr. Haluska appeared before this committee last night. This Committee was created, as I understand it to ascertain the facts. I have no reason to doubt the gentleman from Cambria, Mr. Haluska, but I believe it is the duty of this committee to hear the other side of the story before we make a decision, and as Mr. Haluska only appeared before the committee last night we haven't had a chance to hear Mr. Johnson on the statement that Mr. Haluska made last night, we haven't had a chance to hear Mr. Johnson upon the facts, upon the statements that Mr. Haluska made last night.

Mr. O'KEEFE. Mr. Speaker and members of the House, as Chairman of the investigating committee for Allegheny County, which committee I believe made a more thorough investigation than any other committee appointed by this House, we investigated every department that comes under the emergency relief and also the works division, and every other branch receiving money from the state. We have spent eight weeks in taking testimony from all the heads of the departments, and since that time we have spent four weeks in drawing up facts which we are going to present in a few days to the House. All of this testimony, some of which is hearsay and was stricken from the record, we will present to the House. The rest is all facts, and most of it beneficial to the director of relief, not only in the operation of his department but in the disbursing of public funds.

None of this testimony so far has been brought before this House or before the emergency relief director, and I believe that it is only fair that before we go on record as making any change in the plans as outlined by the relief director, we should wait until all of this testimony is submitted to the joint investigating committee of the House and of the Senate and let them present the facts and findings along with recommendations.

I ask the members to support this resolution to recall the resolution from the Governor.

Mr. MOOMAW. Mr. Speaker, it appears from the statements made by some of the gentlemen that this resolution was made to entirely upset the state emergency relief board. My answer to that is to say that that was not the case, and if you will carefully consider this resolution, it is aimed entirely at the employment of members of the administrative staff, or what are known as the regular salaried employes of that organization. On May fourth or prior to May fourth,—to be exact,—on April twenty-sixth, a number of applications, thousands of them, came into Harrisburg from probably every county in the Commonwealth, from various persons who had previously applied to the local relief offices for the position of Junior Visitor. That title is given to persons who call on relief applicants to ascertain whether or not they are to receive relief, and also the amount.

That position is in itself a most important one. In Area No. 4, alone, by testimony given by the heads of the relief, we found that with very few exceptions the entire responsibility for handling relief, that is whether or not a certain person would receive it, likewise the amount, was in the hands of the visitors. On just a few occasions did the area supervisor have an opportunity to personally go over any case. With that in mind, my point in this resolution was to see that people with good general business experience, good common sense and mature judgment, as the resolution states, were at least given an opportunity to take the examination for these positions. I think we all know the caliber of some of the visitors that now exist in the various counties. They are not only young, but in most cases too young, but they are lacking in experience and mature judgment. In addition to that the majority of them come from wealthy families or families at least who have comfortable incomes from other sources.

In checking up, I found that during the month of March, in Franklin County, seventeen of these visitors, most of whom were of the caliber that I have just mentioned, handed out in direct relief, around forty-eight thousand dollars. I do not believe anyone of them appreciated the full responsibility of their positions. If you will stop and think of all the families in this Commonwealth who are on relief and are in the position that they live or starve, depending upon the decisions of those visitors, because we found out by the testimony that if a relief recipient or applicant complains that the same visitor is sent back to make a re-examination.

I leave it to you ladies and gentlemen of the House,—I don't believe that human nature is such that in those cases they are going to come back to their supervisors and say "I don't know a damn thing about it."

Since these applications came to Harrisburg they were gone over by the personnel department here at Harrisburg, who had never seen an applicant; they only had what they put on paper and they rejected in Area 4, ninety-eight out of one hundred sixty-four applicants. As a result of some complaints which I received, I subpoened the Director of Personnel with the applications, and he admitted that unless they had had at least three years of schooling in sociology or social service work of same character, or three years experience in social service work, which under further examination was defined as being teaching, public health nursing, settlement work, boy scout or campfire girl activities.

He further admitted that no other type of experience would be given consideration, because it was not classified as social service experience.

I secured from Mr. Adams, the personnel director, a complete list of four counties, and I have before me the result from Franklin county alone. I am familiar with some of these people who were rejected. I am likewise familiar with some of those who have been accepted. Mind you, only to take the examination, these persons who were rejected, were rejected on the basis that they were not even eligible to take an examination. Whether or not they would have passed is a matter to be determined, but I submit to you that it was certainly most unfair to rule a person as ineligible on the basis of insufficient education or experience when you have neither seen the man nor has he had an opportunity to take an examination to show whether or not he knows what they want him to know. In this list, approximately fifty percent were turned down on the basis of insufficient education and experience, and the other fifty percent on the basis of not coming within the age limit,—the age limit

being from [illegible] three to forty-five, they should be within those limits. That is not mandatory. A man of forty-six might be more capable, but without even seeing the man, they have absolutely no basis upon which to arrive at a conclusion as to whether or not he is capable of doing the job.

From these applicants that have insufficient education and experience, as we know, many members of this House have received letters from those who had received college training, even, but yet were rejected and were not permitted to take the examination because their education did not include sociology and social service work.

We have got to get back to the basis of good common judgment and that is the entire purpose behind my resolution, to see that some impartial committee should examine those people and recommend the type that would be employed.

It has back of it another purpose; to see that those people who were qualified were given an opportunity to secure employment, who really needed it in their family.

It comes to me every day that a certain person may be from a very wealthy family that my neighbors, everyone know, does not have any practical experience, is working as a relief visitor, whereas certain other persons who are applying for those positions, are not even able to take this examination, and yet, my neighbors as well as myself, know that they are considered in the community as having a good level head and at least, an average education. For that purpose I intend, if this resolution is recommitted, to reintroduce or amend this resolution and again submit it to this body, carrying out the general purposes with which we know every member of this House is in accord, so as to bring to the attention of the State Emergency Relief Board and our Executive Department that we must get on a good common sense basis, and on a good sound footing because, after all, it is the people back home whom we must satisfy in our work here at Harrisburg.

Mr. MELCHOIRRE. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Shaw, Stank, Piole, Harmuth, Pfaff, O'Keefe, Cochran, Murrin, Kilroy, Hirsch, Schrope, Barber, Welliver and Nagel.

The SPEAKER. Only fifteen members, less than the required number, having seconded the motion, the motion is not agreed to.

On the question recurring,

Will the House adopt the resolution?

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, I do not believe that the members of this House are going to enjoy a prolonged discussion upon any problem, but I do believe that in view of the statement made by my colleague, Mr. Moomaw, from Franklin, it is incumbent upon me to make a brief explanation of some things that were brought out after the gentleman from Franklin, Mr. Moomaw, left the hearing on May fourth.

It is true that Mr. Adams, Personnel Direcor of the State Emergency Relief organization did say that according to certain standards of measure, applicants were received and rejected. However, he made the statement also that because of a ruling from Mr. Hopkins in Washington it was necessary to summarily set up some standard whereby these visitors could be selected. In view of the fact that the standards set up were those most highly approved by educational institutions, and these applicants were received and rated accordingly to these particular standards. However, after my colleague, Mr. Moomaw, left the room, Mr. Adams did say that all of those people who were rejected were going to have their applications carefully gone over in the spring, and all those people who possessed a high degree of experience and intelligence, more or less of a native character, would be given very serious consideration, as to their placement in another division.

I believe that since this is the first state body examination of these particular people, probably we are seeing a ray of hope in back of the setup in accordance with particular relief situations. I believe that my colleague, Mr. Moomaw, stated that we should not forget the question, but that we should defer action until we have definite findings of fact.

The yeas and nays were required by Mr. WITKIN and Mr. WHITE and were as follows:

YEAS—174

Achterman,	Forrest,	McKinney,	Shreiner,
Alexander,	Furman,	Melchiorre,	Shugarts,
Allen,	Gates,	Mentzer,	Siegel,
Altenburg,	Gerard,	Merrell,	Simon,
Arnold,	Gillette,	Moomaw,	Simpson,
Atkins,	Green,	Mooney,	Sinwell,
Aukerman,	Habbyshaw,	Moore,	Smith, J. A.,
Baker, J. J.,	Haberlen,	Moran,	Smith, W. G.,
Baker, F. T.,	Hagerty,	Moul,	Snyder, F. E.,
Baldi,	Hamilton, F. P.,	Muir,	Snyder, J. L.,
Barber,	Hamilton, R. S.,	Munley,	Sowers,
Barnhardt,	Harkins,	Murrin,	Spangler,
Bernhard,	Harmuth,	Nagel,	Sproul,
Blumberg,	Hart,	O'Keefe,	Stank,
Boose,	Hartman,	Ominsky,	Stevens,
Bradley,	Heffefon,	O'Neill,	Stewart,
Brancato,	Hermansen,	Panton,	Stockham,
Brennan,	Hetrick,	Parks,	Sumney,
Brownfield,	Hirsch,	Patterson, C.,	Surface,
Burke,	Hoffner,	Patterson, J. W.,	Tahl,
Caputo,	Holland,	Pearson,	Tronzo,
Castor,	Holstrom,	Perry,	Trout,
Coakley,	Hoopes,	Pfaff,	Tumelty,
Cochran,	Horst,	Phillips,	Turner,
Cohen	Jackson,	Piole,	Van Allsburg,
Coleman,	Jones,	Powers,	Van Sickle,
Condon,	Kane,	Reising,	Walker,
Conner,	Kelder,	Reynolds,	Wall,
Coolahan,	Kelso,	Rhys,	Wasserman,
Davies,	Kilroy,	Rinn,	Weiss,
Decker,	Klingler,	Roan,	Welliver,
Denning,	Kobelak,	Robinson,	Welsh,
Dent,	LaRue,	Ruffennach,	Westrick,
Diehl,	Linderman,	Ruth,	White,
Dilley,	Long,	Sarraf,	Wickersham,
Downey, G. E.,	Longaker,	Scanlon,	Winner,
Downey, J. J.,	Lovett,	Schrock,	Witkin,
Duffort,	Male,	Schrope,	Wood,
Eberharter,	Mallen,	Schwab,	Woodside,
Eroe,	Mason,	Schwartz,	Yeakel,
Falkenstein,	McCreary,	Shaw,	Yourishin,
Ferko,	McDevitt,	Shepard,	Zappala,
Finnerty,	McElroy,	Shortz,	Zimmerman,
Flanagan,	McHenry,		Sarig,
Flinchbaugh,			

NAYS—17

Andrews,	Carson,	Hindman,	Sloan,
Baine,	Chervenak,	Kinney,	Stott,
Boyer,	Fitch,	Lynch,	Terry,
Brown, J. E.,	Haluska,	Nothnagle,	Weidemann,
Cannon,			

So the question was determined in the affirmative and the resolution was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. MOOMAW. Mr. Speaker, I vote "aye" and desire to file my reasons for so doing.

My reason for voting "aye" on this resolution is that I am informed that some phases of my resolution No. 143 conflicts with our Constitution and also with some Federal laws concerning Federal money being given to Pennsylvania. I, therefore, desire to have it recalled for the purpose of amendment or for introduction of a new resolution to carry out the true purposes of resolution No. 143.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

BILL INTRODUCED

Mr. SOWERS. Mr. Speaker, I ask unanimous consent to offer a bill at this time. I have taken it up with the gentleman from Berks, Mr. Ruth, and the gentleman from Philadelphia, Mr. Witkin.

The Clerk read the title of the bill for the information of the House:

An Act increasing the number of courts of common pleas in the county of Philadelphia; establishing therein a distinct and separate court of common pleas, designated court of common pleas number six, and providing for the election and appointment of judges for said court.

The SPEAKER. Will the House give its unanimous consent to the introduction of the bill? Are there objections? The Chair hears none and consent is granted. The bill will be filed with the Clerk.

RESOLUTION

MICROPHONES FOR HOUSE

Mr. SOWERS offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, May 7, 1935.

Resolved, That the Speaker, the Chief Clerk of the House of Representatives, the Secretary of Property and Supplies and two members of the House to be appointed by the Speaker, shall be constituted a committee on the part of the House of Representatives to investigate the various microphone systems which are feasible for installation in the Hall of the House of Representatives, and to make report to this House as early as possible with its recommendations.

Resolved, That the Department of Property and Supplies be directed to have a microphone system installed in the Hall of the House of Representatives in accordance with the recommendations of the committee constituted by this resolution, and that an item of appropriation to the Department of Property and Supplies, sufficient to cover the installation of the kind of system recommended by the committee be inserted in the General Appropriation bill.

RESOLUTION

RECALLING HOUSE BILL NO. 1865 FROM THE GOVERNOR

Mr. McHENRY offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 7, 1935.

Resolved (if the Senate concur), That House Bill No. 1865, Printer's No. 611, entitled "An act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred [seventy-two)] seventy-one) entitled 'An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphans Schools' extending the time for the discharge of children from said school," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

CONGRATULATING HON. JOHN J. McDEVITT

Mr. NOTHNAGLE offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted:

In the House of Representatives, May 8, 1935.

Thirty years ago today the author of that popular Irish song "Give the Irish lad a chance" possibly had in mind a babe who was born that day, and although his parents did not come from the county Clare they did come from Emerald Isle, and

Whereas, His constituents in Philadelphia must have heard that song, and decided to further his chances by sending him as their Representative, and

Whereas, He does not have two chances, the same as the Dutch, he must make good on this chance, and be it

Resolved, That, we, his colleagues, will do our best to celebrate today, the birthday of John J. McDevitt, and in testimony thereof the Chief Clerk is instructed to hand him a copy of this resolution.

REMARKS BY MR. McDEVITT

Mr. McDEVITT. Mr. Speaker, I want to take this opportunity to thank the gentleman from Delaware and the members of this House for this fine tribute. I have enjoyed very much my association with you in the House and I believe it is going to be a pleasure to spend the next couple months here in such pleasant surroundings.

RESOLUTION NO. 128

Mr. SHEPARD. Mr. Speaker, I desire to call up at this time Resolution No. 128, Printer's No. 832.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 17, 1935.

Whereas, The President and Congress in order to alleviate unemployment in developing various public works and

Whereas, In the City of Philadelphia Pennsylvania there is planned a construction and extension of the Market Street subway to Fifty-second Street and the removal of the Elevated Structure and

Whereas, The work of equipping said subway extension and the removal of the Elevated Structure would give employment to many persons now unemployed and

Whereas, The full completion of this project would result in great usefulness to the citizens of the entire City of Philadelphia and West Philadelphia in particular therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President and Congress of the United States to consider the advisibility and feasibility of including within the public work program the extension of

the Market Street Subway to Fifty-second Street and the removal of the Elevated Structure and be it further

Resolved, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives and the Chief Clerk of the Senate to the President of the United States the Vice President and the President of the Senate and to the Speaker of the House of Representatives in the Congress of the United States from the Commonwealth of Pennsylvania

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

Mr. HABBYSHAW offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was twice read as follows:

In the House of Representatives, May 6, 1935.

Whereas, The public press again considers as news the latest campaign of our well-known ex-resident Grover C. Bergdoll to secure for himself certain funds sequestered by the Federal Government; and

Whereas, With his customary courage he seeks, from a safe haven in his adopted land behind a screen of women and children, to becloud the memory of our Nation with sickly sentimentality; and

Whereas, Even the thought of a reconsideration of his degrading case is a taunt to our honored dead, to the flag he betrayed, and to the country which heaped munificence upon him through no effort on his part; therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania believe the concensus of opinion of the citizens of this great Commonwealth whom he disgraced to be steadfastly and unalterably opposed to any amnesty or pardon being granted to Grover C. Bergdoll at this or any future time; and, be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Attorney General of the United States.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. EBERHARTER. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk.

HOUSE BILL NO. 88 TAKEN FROM THE TABLE

Mr. HART. Mr. Speaker, I move that House Bill No. 88, Printer's No. 736, entitled:

An Act providing for the organization and equipment under certain conditions of two colored battalions of infantry and making an appropriation therefor

which was laid on the table be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. HART. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. HART. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HART. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by striking out after the word "organization" and before the word "under" the words: "[and equipment]"

Amend section 2, page 2, line 11 by striking out at the end of the line after the word "organization" the word: "[equipment]"

Amend section 2, page 2, line 12 by striking out at the beginning of the line before the word "of" the following: "[and uniforming of the officers and enlisted men]"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF HOUSE BILL NO. 2015

Mr. EBERHARTER. Mr. Speaker, I move that the vote by which House Bill No. 2015, Printer's No. 725, entitled

An Act authorizing cities boroughs and towns to construct acquire own operate and control water-works and gas works and appurtenances thereto and to sell water and gas both within and without their corporate limits and conferring the power of eminent domain to acquire property for such purposes

was defeated on final passage on Tuesday, April 30, 1935, be reconsidered.

Mr. SCANLON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Eberharter, vote on the final passage of this bill?

Mr. EBERHARTER. Mr. Speaker, I voted in the negative.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Scanlon, vote on the final passage of this bill?

Mr. SCANLON. Mr. Speaker, I voted in the negative.

On the question,

Will the House agree to the motion?

Mr. KANE. Mr. Speaker and members of the House, I would like to call your attention to the fact that after this bill was brought before and considered by the House, it was decisively defeated and is being called up for the purpose of amendment supposedly. I know its fundamental purpose differs only slightly from the present law, in that it extends to the municipalities involved a right to go outside their own limits. There is substantially no amendment possible to this bill which would remove the objectionable features on which this bill was, I feel, defeated in this House, which would not substantially reduce the bill to provide only what the present law provides. Inasmuch as this matter was thoroughly discussed, thoroughly considered, decisively defeated, and inasmuch as this House already has on the calendar and in committees a vast number of bills dealing with this and similar subjects which have not yet been considered, I ask the members of this House not to retrace their steps

and go over a matter which they have already defeated, but defeat this motion by a decisive vote.

Mr. EBBERHARTER. Mr. Speaker and members of the House, there were a number of valid objections to this bill in its present form, and when the bill came up before the House, those objections were fully presented by Mr. Kane, and other members.

The sponsor of this bill has in preparation at the present time amendments which he feels will remove all of those objections. Now, I think that we should give the sponsor of this bill an opportunity to present those amendments, have the bill in form and then if the objections are not met by the amendments, then the bill can be defeated again, but I think we owe it to the sponsor of this bill to give him an opportunity to meet the objections.

I ask you to support the motion to reconsider th evote.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. MORAN and Mr. JOHN A. SMITH, and were as follows:

YEAS—86

Alexander,	Falkenstein,	Lovett,	Ruffennach,
Andrews,	Finnerty,	Lynch,	Ruth,
Baine,	Fitch,	McDermott,	Sarraf,
Baker, J. J.,	Furman,	McElroy,	Scanlon,
Barber,	Gerard,	Melchiorre,	Shaw,
Bradley,	Haberlen,	Mentzer,	Shepard,
Brancato,	Hagerty,	Moomaw,	Shugarts,
Brown, J. E.,	Haluska,	Mooney,	Simon,
Burke,	Hamilton, F. P.,	Moran,	Sinwell,
Cannon,	Harkins,	Murrin,	Smith, J. A.,
Carson,	Harmuth,	Ominsky,	Smith, W. G.,
Chervenak,	Hartman,	O'Keefe,	Stank,
Cohen,	Hetrick,	Panton,	Stevens,
Coleman,	Holland,	Patterson, C.,	Tumelty,
Condon,	Hoopes,	Patterson, J. W.,	VanAllsburg,
Coolahan,	Kelso,	Pearson,	VanSickle,
Decker,	Kilroy,	Pfaff,	Walker,
Dent,	Kinney,	Piole,	Weiss,
Dilley,	Klinger,	Powers,	Welliver,
Downey, G. E.,	Kobelak,	Reising,	Yourishin,
Eberharter,	LaRue,	Robinson,	Zappala,
Eroe,	Long,		

NAYS—78

Achterman,	Flinchbaugh,	Moore,	Stewart,
Allen,	Forrest,	Muir,	Stockham,
Altenburg,	Gates,	Munley,	Stott,
Aukerman,	Green,	Perry,	Sumney,
Baker, F. T.,	Habbyshaw,	Phillips,	Surface,
Barnhardt,	Hamilton, R. S.,	Reynolds,	Terry,
Bernhard,	Hart,	Schrock,	Trout,
Blumberg,	Hefferon,	Schrope,	Turner,
Boose,	Hoffner,	Schwab,	Wall,
Boyer,	Holstrom,	Schwartz,	Wasserman,
Brennan,	Jackson,	Shortz,	Weidemann,
Brownfield,	Jones,	Siegel,	Wickersham,
Castor,	Kane,	Simpson,	Winner,
Coakley,	Kelder,	Sloan,	Witkin,
Cochran,	Longaker,	Snyder, F. E.,	Wood,
Davies,	Male,	Snyder, J. L.,	Woodside,
Denning,	Mason,	Sowers,	Yeakel,
Downey, J. J.,	McDevitt,	Spangler,	Zimmerman,
Duffort,	McKinney,	Sproul,	Sarig,
Ferko,	Merrell,		

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring.

Shall the bill pass finally?

BILL POSTPONED

Mr. Eberharter. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. Blumberg. Mr. Speaker, I move that the time on House Bill No. 1772 Printer's No. 930, entitled:

An Act to amend sections ten, twelve, fifteen and eighteen of and to add section thirteen to the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," prescribing additional grounds for divorce and providing for the annulment of additional void marriages requiring the court to appoint a committee for insane respondents and providing that children born after a supposed marriage shall be deemed to be born in wedlock even though the marriage is annulled

on page 11 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. HOLLAND. Mr. Speaker, I desire to call up at this time House Bill No. 1083, Printer's No. 791, on page 10, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Holland.

The House resumed the consideration on final passage of House Bill No. 1083, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam boilers pressure vessels steam or internal combustion engines turbines and refrigerating machinery and hoisting and portable machinery irrespective of the motive power designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties.

On the question recurring.

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. HOLLAND. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the guestion recurring.

Will the House agree to the bill on third reading?

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend as follows: Page 1, Title of Bill, line 6, after the word "machinery" strike out the balance of the line; all of line 7, and all of line 8, before the word "designating."

Amend as follows: Section 1, Page 2, line 9, by striking out after the word "thereto" the remainder of the sentence, and all of lines 10 and 11.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

TIME EXTENDED ON BILL

Mr. HORST. Mr. Speaker, I move that the time on House Bill No. 1072, Printer's No. 757, entitled:

An Act to amend section one, paragraphs thirteen and fourteen of section five, and section seven of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," regulating the holding and vote of common stock of cooperative agricultural associations by similar corporations or associations.

on page 19 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. YOURISHIN. Mr. Speaker, I move that the time on House Bill No. 1552, Printer's No. 782, entitled:

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; eliminating the provision which requires that county and district superintendents of schools shall have had three years experience in a supervisory or administrative capacity.

on page 20 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. HAGERTY. Mr. Speaker, I move that the time on House Bill No. 2121, Printer's No. 843, entitled:

An Act providing for the selection of jurors to serve in the several courts in counties of the first class providing for the organization of a board for superintending and managing the drawing and selecting of jurors and prescribing its powers and duties conferring powers and imposing duties and liabilities on the sheriff imposing duties on registration commissions and prescribing penalties

on page 20 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL OF IMPEACHMENT REFERRED

The SPEAKER. The Chair at this time refers a bill of impeachment, Commonwealth of Pennsylvania vs. W. Alfred Valentine, together with a petition attached thereto to the Committee on Judiciary General.

TIME EXTENDED ON BILL

Mr. ANDREWS. Mr. Speaker, I move that the time on House Bill No. 932, Printer's No. 383, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

on page 18 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Building and Loan Associations will meet immediately after this session in room 323.

The Committee on Judiciary Special will meet immediately after this session in the Conference Room.

The Committee on Mines and Mining will meet immediately after this session in room 324.

The Committee on Municipal Corporations will meet immediately after this session in room 324.

The Committee on Public Health and Sanitation will meet at 2:30 P. M. today in room 521.

The Committee on Agriculture will meet at 3:00 P. M. today in room 324.

The SPEAKER laid before the House the following challenge and acceptance which was read by the Clerk.

CHALLENGE

I, the Sergeant-at-Arms of the House of Representatives, in behalf of the Izaak Walton League of Everett, Pennsylvania, do hereby give notice that we have fallen out with our crows in Bedford and Fulton Counties.

Therefore, I do hereby challenge the Postmaster of the House of Representatives to organize a crow-shooting team (comprised of twenty-five men from the southwestern part of the state) with exceptions to a crow-shooting contest, to be held on the first Saturday in June, and to be fought out in our counties.

Furthermore, I wish to state that besides winning the prize for the day, that we will feed our opponents well and show them a free movie on wild life in the evening.

In our opponents can take a lacing, they are hereby invited to bring their team.

CHALLENGE ACCEPTED

The Sergeant-at-Arms, of the House of Representatives, Mr. Wakefield, has openly challenged the Post Master, Mr. Smith, for a Crow Hunt; Bedford and Fulton Counties against Southwestern Pennsylvania west of the Allegheny Mountains, with exceptions on both sides, and to take place on Saturday, June 1, 1935, headquarters at Everett, eliminations to be made to twenty-five acutal participants on each side.

The Challenge is hereby accepted. To arms you Mighty Nimrods from West of the Alleghenies. Our honor, dignity and marksmanship is at stake.

The Governor, and his Cabinet, are cordially invited to actual participation on my side, providing, they are as capable of handling a shot gun as they are at handling the Ship of State, otherwise they are invited Ex-officio. This also applies to the Speaker of the House and the Chief Clerk.

All Senators, Members of the House, and employes from West of the Mountains are also invited.

A Caucus, of Senators and Members of the House West of the Mountains, will be held at the call of the Captain.

All details will be given participants at Everett on the morning of the Hunt.

Politics will be eliminated, with the possible exception that the Democratic Donkey from the House may whisper

into the Republican Elephant's ear from the Senate some good and kindly thoughts relative to balancing the Budget.

Interested Crow Hunters, from West of the Mountains, can confer with Post Master, House of Representatives, Harrisburg.

Honor, superior knowledge and good sportsmanship are the rewards to the winners.

We can, and will, win this battle.

R. F. Smith, House Postmaster
Captain for the Western Division.

RECESS

The SPEAKER. The Chair is about to declare a recess until 4:00 P. M., but before doing so wishes to state to the members that the Chair excepts the members to be in their seats promptly at 4:00 P. M. By doing so we will be able to dispose of considerable part of the calendar and then adjourn for the balance of the week. In order to make this possible it is necessary that the members cooperate by being in their seats promptly, and also to eliminate all unnecessary debate. The Chair does not wish to ask the members not to debate any bills but the debate on some of the bills has been carried to an unreasonable length.

The Chair now declares a recess until 4:00 P. M.

AFTER RECESS

The House reconvened at 4:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

BILLS INTRODUCED AND REFERRED

By Mr. CONDON. HOUSE BILL No. 2834.

An Act imposing a tax on unmarried persons between the ages of twenty-five and sixty; imposing powers and duties on the Department of Revenue; imposing duties upon employers; appropriating the revenue derived from said tax; and prescribing penalties.

Referred to the Committee on Ways and Means.

By Messrs. SOWERS and BURKE.
HOUSE BILL No. 2835.

An Act increasing the number of courts of common pleas in the county of Philadelphia; establishing therein a distinct and separate court of common pleas, designated court of common pleas number six, and providing for the election and appointment of judges for said court.

Referred to the Committee on Judiciary General.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HABBYSHAW. Concurrent).
RESOLUTION No. 144.

In the House of Representatves, May 6, 1935.

Whereas, The public press again considers as news the latest campaign of our well-known ex-resident Grover C. Bergdoll to secure for himself certain funds sequestered by the Federal Government; and

Whereas, With his customary courage he seeks, from a safe haven in his adopted land behind a screen of women and children, to becloud the memory of our Nation with sickly sentimentality; and

Whereas, Even the thought of a reconsideration of his degrading case is a taunt to our honored dead, to the flag he betrayed, and to the country which heaped munificence upon him through no effort on his part; therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania believe the concensus of opinion of the citizens of this great Commonwealth whom he disgraced to be steadfastly and unalterably opposed to any amnesty or pardon being granted to Grover C. Bergdoll at this or any future time; and, be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Attorney General of the United States.

Referred to the Committee on Military Affairs.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 709. (HOUSE BILL No. 2836).

An Act to amend article nineteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the establishment of courses of college studies in school districts of the first and second class.

Referred to the Committee on Education.

SENATE BILL No. 947. (HOUSE BILL No. 2837).

An Act to amend article nineteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts alone or jointly with other school districts, to cooperate with colleges in establishing undergraduate centers or to establish courses of college studies and to fix fees therefor.

Referred to the Committee on Education.

SENATE BILL No. 248. (HOUSE BILL No. 2838).

An Act making an appropriation to the Pennsylvania School for the Deaf at Mount Airy Philadelphia to cover additional cost of maintenance and education of State pupils.

Referred to the Committee on Appropriations.

SENATE BILL No. 258. (HOUSE BILL No. 2839).

An Act making an appropriation to the Lying-In Charity Hospital Philadelphia Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 259. (HOUSE BILL No. 2840).

An Act making an appropriation to the Contributors to the Pennsylvania Hospital of Philadelphia Pennsylvania for the maintenance of its department for the sick and injured.

Referred to the Committee on Appropriations.

SENATE BILL No. 260. (HOUSE BILL No. 2841).

An Act making an appropriation to the Maternity Hospital Philadelphia Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 306. (HOUSE BILL No. 2842).

An Act making an appropriation to the Department of Military Affairs for payment of property damages occa-

sioned by a motor truck and property of the Federal Government issued to and in possession of the National Guard of Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 309. (HOUSE BILL No. 2843).

An Act making an appropriation to the Pennsylvania Society to Protect Children from Cruelty located at four hundred and fifteenth street Philadelphia Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 328. (HOUSE BILL No. 2844).

An Act making an appropriation to the Women's Homepoathic Hospital Philadelphia Pennsylvania (now known as Broad Street Hospital, Philadelphia Pennsylvania).

Referred to the Committee on Appropriations.

SENATE BILL No. 565. (HOUSE BILL No. 2845).

An Act making an appropriation to the Elk County General Hospital Ridgway Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 582. (HOUSE BILL No. 2846).

An Act making an appropriation to the Lock Haven Hospital Lock Haven Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 583. (HOUSE BILL No. 2847).

An Act making an appropriation to the Renovo Hospital Renovo Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 847. (HOUSE BILL No. 2848).

An Act making an appropriation to the Trustees of the University of Pittsburgh for the General maintenance of any the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

Referred to the Committee on Appropriations.

SENATE BILL No. 850. (HOUSE BILL No. 2849).

An Act making an appropriation to the Ashland State Hospital Ashland Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 851. (HOUSE BILL No. 2850).

An Act making an appropriation to the Locust Mountain State Hospital Shenandoah Pennsylvania.

Referred to the Committee on Appropriations.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk

SALES TAX

A resolution from the Blair County Central Labor Union, protesting passage of sales tax.

Referred to the Committee on Ways and Means.

ADVERTISING DENTISTS

A petition from members of the Washington County Society urging support of Senate Bill No. 1014, prohibiting extravagant advertising of dentists.

Referred to the Committee on Education.

BLUE LAWS

A resolution from citizens of Indiana County, protesting passage of anti-sabbath legislation.

Referred to the Committee on Law and Order.

HIGHWAY FUNDS

A resolution from the Rush Township Board of Supervisors, urging passage of House Bill No. 977.

Referred to the Committee on Highways.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 815.

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers hereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined requiring certain qualifications for the Adjutant General and establishing a board for the determination and payment of minor damages caused by the National Guard

HOUSE BILL No. 819.

An Act to amend sections five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensation for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonizing the act with Federal law

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1885.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor, House Bill No. 1885, Printer's No. 734, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. STEVENS. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. STEVENS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. STEVENS. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 1, line 11 of the title by inserting at the end of the line after the word "York" the following: "and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

QUESTION OF PERSONAL PRIVILEGE

Mr. YOURISHIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Luzerne will state his question of personal privilege.

Mr. YOURISHIN. Mr. Speaker and members of the House, since coming into the House this afternoon I see on the desks of all of the members of the House a Bill of Impeachment "The Commonwealth of Pennsylvania vs. W. Alfred Valentine, Judge of the Common Pleas Court of Luzerne County.'

Several members of the House have asked me whether I introduced this bill. I did not introduce it, have had no part in it, do not believe in it, do not believe it should even be here, and I think speak for all of the members of the Luzerne County delegation.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

TIME EXTENDED ON BILL

Mr. ZIMMERMAN. Mr. Speaker, I move that the time on House Bill No. 977, Printer's No. 585, entitled:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships and validating tax levies of townships made after the last day now fixed by law for such levy and requiring some townships which have made their tax levies to make new levies.

on page 17 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. COAKLEY, from the Committee on Judiciary Special reported as committed, House Bill No. 1451, entitled:

An Act making it unlawful to disseminate certain propaganda or statements concerning the race, color, creed or manner of worship of others.

Mr. HALUSKA, from the Committee on Mines and Mining reported as committed, House Bill No. 637, entitled:

An Act to insure bituminous coal miners of correct weight for coal loaded by them; and providing penalties.

Mr. JOHN E. BROWN, from the Committee on Agriculture reported as committed, House Bill No. 1832, entitled:

An Act to further amend section thirty-six of the act approved the eleventh day of May, one thousand nine hundred twenty-one (Pamphlet Laws, five hundred twenty-two), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by requiring all fines collected under the provisions of this act to be paid into the State Treasury through the Department of Revenue by the magistrate alderman, or justice of the peace collecting such fines.

Mr. LONG, from the Committee on Judiciary Special reported as committed House Bill No. 1428, entitled:

An Act making it unlawful to inquire or transmit information concerning the religion or religious affiliation of persons seeking certain employment.

Mr. HOFFNER, from the Committee on Agriculture reported as amended House Bill No. 2151, entitled:

An Act relating to the sale furnishing delivery weighing and importation of unmanufactured horse manure for agricultural purposes including mushroom growing floriculture and other intensive forms of agriculture establishing standards thereof providing for inspections and tests and the issuing and effect of certificates by the Department of Agriculture and by inspectors licensed by it conferring powers and imposing duties on the Department of Agriculture prescribing penalties and requiring the payment of fines and other moneys collected into the State Treasury

Mr. MERRELL, from the Committee on Public Health and Sanitation reported as committed, House Bill No. 2674, entitled:

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients, providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties", by providing for the boarding out of certain patients in State mental hospitals.

Mr. ROAN, from the Committee on Judiciary Special reported as committed, House Resolution No. 141.

Mr. HART, from the Committee on Judiciary Special reported as committed, House Resolution No. 139.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 301, entitled:

An Act to amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" modifying the age restriction for applicants who are veterans.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2566, entitled:

An Act to further amend section fifteen of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred eleven) entitled "An act providing for the establishment of a State Industrial Home for Women authorizing the purchase of a site and the erection thereon and equipment of necessary buildings providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years convicted of or pleading guilty to the commission of any criminal offense and providing for the government and management of said institution and making an appropriation to carry out the purpose of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twnty-four years of age.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2176, entitled:

An Act to amend section two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the City of Chester a monument to the memory of John Morton and making an appropriation" as amended by reducing the amount of the state appropriation and the amount required to be raised by citizens and reappropriating to the Department of property and Supplies the appropriation as so reduced.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2601, entitled:

An Act to amend sections two and four of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred fifteen) entitled "An act dedicating the setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as 'Bucktail State Park' and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1204, entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg, Pennsylvania.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2309, entitled:

A Joint Resolution proposing an amendment to section one article eighteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 978, entitled:

An Act to amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public

Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" creating a new limited classification of operators increasing the eligibility requirements for examination and requirement for school registration and increasing certain fees.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2427, entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1896, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2359, entitled:

An Act providing for the creation of public "Authorities" in counties of the first class authorizing such "Authorities" to enter into agreement with the Government of he United States particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto and the Emergency Relief Appropriation Act of one thausand nine hundred and thirty-five the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with others defining and providing for the organization and dissolution of such "Authorities" conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such "Authorities" may exercise their powers endowing such "Authorities" with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such "Authorities" to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 672, entitled:

A Joint Resolution proposing an amendment to article nine section sixteen of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2482, entitled:

An Act to amend section seventy-four of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" as amended requiring the sentencing of women to the State Industrial Home instead of to State penitentiaries

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 292, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1899, entitled:

An Act authorizing and empowering cities of the first class to purchase or acquire by condemnation proceedings such real estate within the city limits as they may need upon which to erect or construct municipal buildings fire engine houses gas and electric light works and for playgrounds public parks or other municipal purposes (other than laying out opening altering or maintaining roads highways streets or alleys) and within or without the city limits upon which to erect hospitals water works and power houses and for the purpose of a poor farm or farms or penal institutions providing and regulating the procedure in purchase and condemnations the right on the part of the city to rescind such condemnations and governing the time and manner of taking possession

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2065, entitled:

An Act providing for liens in favor of the Commonwealth and every charitable association corporation or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or private charity and furnishing therein care treatment and maintenance to persons injured in accidents upon the rights of action claims or demands of such injured persons against other persons corporations partnerships and other unincorporated associations whatsoever for damages on account of the negligence causing the injuries and upon the proceeds of the settlement of any such claims or demands providing for the entry recording release and discharge of such liens and imposing duties upon prothonotaries

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2315, entitled:

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the breeding selling possessing and using of fitches or weasels for hunting purposes providing for the licensure of persons breeding selling possessing and using fitches or weasels and imposing additional penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1534 (Senate Bill No. 42), entitled:

A Supplement to the act approved the eighteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred forty) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" prescribing the practice to be pursued in such proceedings

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2062, entitled:

An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of nine million dollars which shall include the sum of two million three hundred sixty-five thousand dollars transferred to the General Fund for relief purposes if when and as the said sum of two million three hundred sixty-five thousand dollars is repaid to the Motor License Fund during the period covered by this Act is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-six out of the Motor License Fund for allocation to and expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this Act

The second section was read as follows:

Section 2 The Department of Highways shall expend in each of the townships of the second class for the maintenance construction reconstruction and repair of roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided as the miles of streets or roads under its jurisdiction within its legal limits and not maintained by the Department of Highways under the provisions of any other law bears to the total number of miles of such streets or roads within the legal limits of all townships of the second class

On the question,

Will the House agree to the section?

Mr. WOOD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 2, line 14, by inserting after the word "maintenance" the following: "including snow removal"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third, fourth and fifth sections were separately read and agreed to as follows:

Section 3 Nothing in this Act shall be construed to relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-six for the construction or repair of any highway or structure now under their jurisdiction

Section 4 The proper officials of each township of the second class if they have not previously done so shall at the time of fixing the tax levy for the years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven reduce the said tax levy for road and street purposes by an amount approximately equivalent to the amount to be expended in such township under the provisions of this Act as compared with the amount levied for road and street purposes for the year one thousand nine hundred thirty-three except that proper provision shall be made by the townships for interest sinking fund debt repayment charges and such other administrative and overhead expenses as may be necessary

Section 5 The several second-class townships in which the money hereby allocated is expended by the Department of Highways are hereby authorized and directed to turn over to the Department of Highways for use in the maintenance of any road or street within the legal limits of such township any road building machinery or equipment now owned by such municipality without charge for such use by the Department Any repairs to said equipment which become necessary while in the possession and use of the Department of Highways for the purposes of this Act shall be made only with the consent and approval of the township authorities and shall be paid for out of the funds hereby allocated to such township whether the said repairs are made necessary by ordinary wear and tear or by negligence in the operation The Department of Highways shall in so far as may be practicable employ the duly elected road supervisors of each township in a supervisory capacity in the work to be done on the roads of such township under the provisions of this Act

The title was read as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act

On the question,

Will the House agree to the title?

Mr. WOOD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 4 of title, by inserting after the word "Maintenance" the following: "including snow removal"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2302 as follows:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor

Whereas the Commonwealth of Pennsylvania is the owner of certain land hereinafter described which was acquired as a site for the Cumberland Valley State Institution for Mental Defectives in the township of Lower Allen Cumberland County and which is in the custody and under the control of the board of trustees of the Cumberland Valley State Institution for Mental Defectives and

Whereas the board of trustees of the Cumberland Valley State Institution for Mental Defectives is desirous of improving the utility of the tract of land as acquired for the Commonwealth and

Whereas a triangular parcel of land a part of the plot conveyed from Clara E Best to the Commonwealth through the purchase of February nineteen one thousand nine hundred and eighteen consisting of four and five tenths acres is the only portion of the said plot lying north of the Reading Railroad in Lower Allen Township Cumberland County Pennsylvania constitutes an undesirable condition for a mental institution involving hazards to patients employes and livestock in crossing the railroad and

Whereas Samuel Zimmerman whose abode and major portion of farm land lies adjacent to the above four and five tenths acres owned by the Commonwealth above referred to also owns a parcel of four and three hundred and twenty-six thousandths (4.326) acres south of the railroad and bounded on three sides by land purchased by the Commonwealth as a part of the Clara E Best plot referred to above and

Whereas the said Samuel Zimmerman has declared his willingness to exchange on the basis of equal value the parcel of four and three hundred and twenty-six thousandths (4.326) acres now owned by him for the four and five tenth acres now owned by the Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor be and he is hereby authorized and empowered to convey on the behalf of the Commonwealth of Pennsylvania to Samuel Zimmerman all that certain parcel of land situate in the township of Lower Allen County of Cumberland State of Pennsylvania bounded and described as follows to wit

Beginning at a point one and two hundred and seventy-three thousandths (1.273) miles more or less south west of the White Hill Station on the northerly side of the Reading Railroad right of way and six hundred and seventy-one (671) feet more or less north east of the bridge through which Cedar Run flows under the Reading Railroad and continuing north ten degrees thirty-seven minutes west (N 10D 37′ W) five hundred and forty-five and forty one hundredths (545.41) feet to a stone monument thence south eighty-nine degrees twenty minutes east (S 89D 20′ E) seven hundred and fifty-one and seventy-three hundredths (751.73) feet to a stone marker thence south fifty-one degrees (S 5D) eight hundred thirty-seven and ninety-three hundredths (837.93) feet west to the first point containing four and five tenths (4.5) acres and to execute and deliver in the name of the Commonwealth of Pennsylvania good and sufficient deeds therefore and to acquire in exchange therefor from Samuel Zimmerman the lands and right as provided by good and sufficient deed in fee free and clear of all liens and encumbrances that certain parcel of land situate in the Township of Lower Allen County of Cumberland in the State of Pennsylvania bounded and described as follows to wit

Beginning at a point in the southerly right of way of the Reading Railway one and two hundred and seventy-three thousandths (1.273) miles more or less south west of the White Hill Station on the northerly side of the Reading Railway right of way and six hundred and seventy-one (671) feet more or less north east of the bridge through which Cedar Run flows under the Reading Railroad thence south ten degrees thirty-seven minutes east (S 10D 37′ E) five hundred fifty-seven and sixty-six hundredths (557.66) feet to a stone monument thence north eighty-nine degrees seven minutes (N 89D 7′ W) four hundred seventy-three and fifty-five hundredths (473.55) feet to a stone marker thence north fifty-two degrees thirty-seven minutes west (N 52D 37′ W) one hundred seventy-seven and eight hundredths (177.08) feet thence north thirty-nine degrees west fifteen feet (N 39D 15′ W) to a stone marker thence north fifty-one degrees east (N 51D) east four hundred and seven and sixty-two hundredths (407.62) feet to the first point described containing four and three hundred and twenty-six thousandths (4.326) acres Title to same shall be taken in the name of the Commonwealth of Pennsylvania Title to the hereinabove described land to be acquired by the Commonwealth and all instruments to effectuate the purpose of this act shall be subject to the approval of the Attorney General as to form and manner of execution The Department of Property and Supplies shall file with the Department of Internal Affairs a copy of any deed executed and delivered by it and any deed received by it under this act

No deed shall be delivered by the Department of Property and Supplies under this act unless and until Samuel Zimmerman shall execute and deliver the necessary deed or deeds to convey in fee to the Commonwealth the land last above described free and clear of all liens and encumbrances

Section 2 The cost of the exchange or transfer of the properties is to be at the expense of the Commonwealth

Sction 3 This act shall become effective immediately upon its final nactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1595 as follows:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all unexpended balances of appropriations made from the General Fund of the State Treasury by the General Assembly at its session of one thousand nine hundred and twenty-seven or at any ses-

sion prior thereto which shall remain unexpended on the effective date of this act shall lapse on that date

Section 2 All unexpended and unencumbered balances of appropriations made from the General Fund of the State Treasury by the General Assembly at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one which shall remain unexpended and unencumbered on the effective date of this act shall lapse on that date

Section 3 This act shall be effective upon the date of its approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2775 (Senate Bill No. 752), as follows:

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every person applying for direct relief or work relief fro many agency authorized by law to distribute or furnish such relief out of any moneys appropriated in whole or in part by the Commonwealth or by the Federal government and every person now receiving such relief shall be required to sign a statement setting forth his or her financial status and such other facts as may be required by the State Emergency Relief Board in order to determine whether such person is entitled to relief and shall also be required to sign as a part of his or her written application a bond to the Commonwealth containing a warrant of attorney to confess judgment in the penal sum of five hundred dollars which bond shall be conditioned for the faithful observance of all the stipulations and promises contained in such application and on the truth and lack of fraud and misrepresentation in any of the statements made by such applicant in his or her written application Every such applicant shall make affidavit that the facts set forth in such statement are true and correct Any person employed in the distribution of unemployment relief shall have power to administer oaths for the purpose of carrying into effect the provisions of this act

Section 2 Every person giving any wilfully false information in any such statement shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars or suffer imprisonment for not more than six months or both in the discretion of the court and shall also be sentenced to make restitution of any moneys received by reason of any such false statement In case such moneys are not restored proceedings may be had on the bond herein provided for

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. SHAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SHAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 2, line 4, by striking out the letter "a" and insert in lieu thereof: "his or her own"

Amend sec. 1, page 2, line 4, by inserting after the word "Commonwealth" the following: "without surety"

Amend sec. 1, page 2, lines 7 and 8, by striking out the words "for the faithful observance of all the stipulations and promises contained in such application and"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Mr. WEISS. Mr. Speaker, I desire to call up at this time House Bill No. 758, Printer's No. 834, on page 11, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WEISS.

The House resumed the consideration on final passage of House Bill No. 758 entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers register of vital statistics and boards of school directors

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. WEISS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 16, page 13, line 9, by inserting after the word "Registration" the following: "House to House Canvas by Registrars."

Amend Sec. 16, page 13, lines 19 and 20, by striking out all of said lines.

Amend Sec. 16, page 13, lines 27, 28 and 29, by striking out the words "and Provided further" in line 27, and all of lines 28 and 29.

Amend Sec. 16, page 14, lines 1 to 7, both inclusive by striking out all of said lines, and inserting in lieu thereof:

"(b) The registrar for each election district shall visit in person each and every dwelling house in his district starting on the first Monday in June of each year and

finishing as soon thereafter as may be possible, and shall register all the qualified electors that he shall find upon careful and diligent inquiry to be bona fide residents of his district and who desire to be registered in the manner provided by this act. He shall forthwith make a copy of the names of all persons registered by him as soon as practicable. He shall, on or prior to the fourth Monday of July in each year, place a copy of such names on the door of, or on the house where the election of the district is required to be held, and retain the registration cards in his possession for and inspection, free of charge, of any person resident in the said election district who shall desire to see the same; and it shall be the duty of the said registrar to register, from time to time, on the personal application thereof, any qualified elctor of the district claiming the right to vote.

(c) The said registrar shall be present at the polling place of the district during the sixty-second day preceding each general and municipal election, and on the sixty-second day preceding the spring primary in even-numbered years, from ten o'clock A. M. to three o'clock P. M., and from six o'clock P. M. to nine o'clock P. M., for the purpose of registering upon personal application any qualified elector claiming the right to vote. The registrar shall, on the day following, return to the commission the registration cards used and unused, as hereinafter provided."

Amend Sec. 16, page 14, line 8, by striking out the letter "(b)" and inserting in lieu thereof: "(d)"

Amend Sec. 16, page 14, line 9, by striking out the word "any" and inserting in lieu thereof: "each"

Amend Sec. 16, page 14, lines 11 and 12, by striking out the words "may be desired by the registration commission" and inserting in lieu thereof: "is required by this act"

Amend Sec. 16, page 14, lines 16 to 29, both inclusive, by striking out all of said lines.

Amend Sec. 16, page 15, lines 1 to 4, both inclusive, by striking out all of said lines.

Amend Sec. 18, page 17, lines 11 and 12, by striking out the words "as the commission shall have"

Amend Sec. 18, page 17, line 12, by inserting after the word "designated" the following "by the provisions of this act"

Amend Sec. 18, page 19, lines 12 to 21, both inclusive, by striking out the words "present the affi-" in line 12, all of lines 13 to 20, both inclusive, and the words "be permitted to" in line 21.

Amend Sec. 19, page 20, line 14, by inserting after the word "except" the following: "as hereinafter provided by furnishing affidavits or"

Amend Sec. 27, page 27, line 4, by inserting after the word "to" the following: "register anew in the district in which he lives or"

Amend Sec. 27, page 27, line 8, by inserting after the word "must" the following: "be registered anew in the district in which he lives or"

Amend Sec. 28, page 27, line 22, by striking out the word "of" and inserting in lieu thereof: "or"

Amend Sec. 31, page 31, line 8, by striking out the word "branch"

Amend Sec. 31, page 31, line 9, by striking out the words "in such borough or township" and inserting in lieu thereof: "or before the registrar of his district"

Amend Sec. 31, page 31, line 12, by striking out the word "a" and inserting in lieu thereof: "the"

Amend Sec. 35, page 33, lines 20 and 21, by striking out the words "County Commissioners" and inserting in lieu thereof: "Election Officers"

Amend Sec. 35, page 33, line 23, by striking out the words "to the county commissioners of the proper county."

Amend Sec. 35, page 33, line 25, by striking ou the words "in order that the same may be delivered."

Amend Sec. 35, page 34, line 2, by striking out the words "to the county commissioners"

Amend Sec. 35, page 34, line 8, by striking out the words "county commissioners" and inserting in lieu thereof: "election officers"

Amend Sec. 35, page 34, lines 9 and 10, by striking out the words "to the county commissioners"

Amend Sec. 36, page 34, line 17 and 18, by striking out the words "Voter's Certificates to be Signed"

Amend Sec. 36, page 34, lines 20 to 27, by striking out the words "and who upon apply-" in line 20, of all lines 21 to 26, both inclusive, and the words "have been deemed authentic by said election officers" in line 27.

Amend Sec. 36, page 35, lines 1 and 2, by striking out the words "has become disqualified by removal from the district since registration or that he"

Amend Sec. 36, page 35, line 4, by inserting after the word "elections" the following: "or is otherwise disqualified"

Amend Sec. 36, page 35, lines 5 to 23, both inclusive, by striking out all of said lines.

Amend Sec. 36, page 35, line 24, by striking out the brackets before and after the letter "(b)"

Amend Sec. 36, page 35, line 24, by inserting brackets before and after the letter "d"

Amend Sec. 36, page 35, lines 25, 26 and 27, by striking out the words "and who upon applying to vote shall" in line 25, all of line 26, and the words "herein required at elections and is otherwise qualified" in line 27.

Amend Sec. 36, page 35, line 29, by striking out the words "without being subject to any challenge regarding"

Amend Sec. 36, page 36, line 1, by striking out the words "his party membership"

Amend Sec. 36, page 36, by inserting between lines 7 and 8 the following:

"(c) Any person although registered may be challenged at any election or primary by a registrar or by any commissioner, or by a qualified elector of the election district. Any person so challenged shall answer the questions of the challenge affidavit as herein specified, and after his answers have been recorded, he shall subscribe to them his signature or mark and swear to their truth.

(d) The affidavits of all persons so challenged shall, at the close of the election, be enclosed with the list of voters, tally list, and other papers to be filed with the prothonotary, and shall be subject to examination as other election papers are.

(e) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information: (1) serial number; (2) place and date of execution; (3) full name of challenged applicant; (4) whether he is married or single; (5) if married, where his family resides; (6) if single, where his parents reside; (7) where applicant actually resided immediately before he took up his present residence; (8) his residence for the four months immediately preceding date of execution; (9) the name of his present employer; (10) the city, street and number of his place of business; (11) sex of the applicant; (12) his color; (13) the date of his birth; and (14) such distinguishing marks, peculiarities and further information for identification as the commission shall prescribe.

(f) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district, and shall produce such other evidence as may be required to satisfy the election officers as to his qualifications as an elector. If such challenged applicant shall establish the fact that he possesses al the legal qualifications of a vote to the satisfaction of the election officers, he shall be permitted to vote.

(g) If an elector is challenged at the primary as to party enrollment, he shall be entitled to vote the ballot of such party if he shall make and subscribe an affidavit that at the last election at which he voted, he voted for a majority of the candidates of such party, all of the candidates of a party for presidential elector being counted as two candidates, but if he is unable or unwilling to make such affidavit, he shall be denied the right to receive such ballot, but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof."

Amend Sec. 36, page 36, line 8, by striking out the letter "(e)" and inserting in lieu thereof: "(h)"

Amend Sec. 36, page 36, line 14, by inserting after the word "except" the following: "by making affidavit as herein provided or"

Amend Sec. 36, page 36, line 15, by inserting after the word "cases" the following:

"Any person who is not registered and who claims the right to vote at any election shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to vote, for the period of at least two months immediately preceding such election, which witness shall be sworn or affirmed and subscribed to a written or partly written and partly printed affidavit to the facts stated by him. The person so claiming the right to vote shall also take and subscribe to a written or partly written and partly printed affidavit stating to the best of his knowledge and belief when and where he was born; that he has been a citizen of the United States for one monh and of the Commonwealth of Pennsylvania; that he has resided in the Commonwealth one year or if formerly a qualified elector or a native born citizen thereof and has removed therefrom and returned, that he has resided therein six months next preceding said election; that he has resided in the district in which he claims to be a voter for the period of at least two months immediately preceding said election; that he has not moved into the district for the purpose of voting therein; and if a naturalized citizen, shall also state when, where and by what court he was naturalized, and shall also produce his certificate of naturalization for examination.

"All such affidavits shall, at the close of the election, be enclosed with the tally list and other papers, and returned with the same to the prothonotary where they shall be filed as other election papers."

Amend Sec. 36, page 36, lines 15 to 28, by striking out the words "and any person although" in line 15, and all of lines 16 to 28, both inclusive.

Amend Sec. 36, page 37, lines 1 to 29, both inclusive, by striking out of all of said lines.

Amend Sec. 36, page 38, lines 1 to 13, both inclusive, by striking out all of said lines.

Amend Sec. 36, page 38, line 14, by striking out the letter "(g)" and inserting in lieu thereof: "(i)"

Amend Sec. 36, page 38, line 18, by striking out the bracket before the words "The county"

Amend Sec. 36, page 38, line 23, by striking out the bracket after the word "check-list"

Amend Sec. 37, page 39, line 12, by striking out the words "Comparison of Signatures"

Amend Sec. 37, page 39, lines 23 to 29, both inclusive, by striking out all of said lines.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1962, as follows:

An Act to amend sections 1 and 2 as amended sections 70 and 71 to repeal section 69 of and to add sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred and eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 1 of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" as amended by section one of the act approved the seventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That [on and after the first day of January (1912) nineteen hundred and twelve it shall not be lawful for any person to carry on or work at the business of plumbing or house drainage in cities of the first class having a system of sewerage and water-supply of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons by the Director of the Department of Public Health or the Bureau or Board of Health of such cities nor until they have registered as such in the office of the Board of the Board or Bureau of Health of said cities Provided however That nothing in this act shall be construed to prevent the employment or working of apprentices under the direction of duly registered and licensed master or employing plumbers And provided further That master or employing plumbers duly registered and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and journeymen plumbers who have served not less than four years apprenticeship shall not be required to undergo any examination and they shall be entitled to register provided said persons firms or corporations register prior to January first one thousand nine hundred and twelve and annually thereafter between the first and thirty-first days of December of each year as per section two of this act And provided further That before such certificate or license to engage in the work of said business shall be granted to any master plumber firm or corporation such master plumber firm or corporation shall file a bond annually in the sum of two hundred and fifty dollars ($250.00) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnity the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Public Health in the performance of work done by such master plumber firm or corporation Said bond shall contain a provision that no suit thereon shall be instituted or maintained unless and until the Department of Public Health issues a certificate certifying that said master plumber firm or corporation has failed to comply with such acts of Assembly and/or such rules and regulations of the Department of Public Health In the event of such bond being cancelled or becoming ineffective for any reason whatsoever the license granted to such master plumber firm or corporation may be revoked] on and after the first day of January one thousand nine hundred and thirty-six it shall be unlawful for any person or persons to carry on the business or work at the trade of plumbing defined as drainage water piping or the construction alteration and repairing any drainage cesspools trap waste vent or water piping and fixtures attached thereto directly or indirectly connected to the city service water supply or any connection or connections in relation

thereto in cities of the first class having a system of sewerage and water supply of this Commonwealth until a master plumber's license and certificate of registration to engage in or work at said business shall have been granted said persons by the Department of Health of such cities Provided That nothing in this act shall be construed to prevent the employment of apprentices except as hereinafter provided journeymen and licensed plumbers under the direction of duly certified and licensed master plumbers or under the direction of registered journeymen plumbers And provided further That master plumbers duly certified and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and registered journeymen plumbers shall not be required to undergo an examination and they shall be entitled to apply for registration annually thereafter

Section 2 Said act is hereby amended by adding thereto Sections 1.1 1.2 1.3 1.4 1.5 to read as follows

Section 1.1 All and every person or persons desiring to engage in the business or trade of plumbing as a master plumber in cities of the first class shall apply in person and file an application in writing containing the recommendation of two registered master plumbers certifying to the fact that such applicant has the necessary knowledge and experience and bears a good reputation and the applicant shall have been duly registered apprentice plumber for no less than four years and a registered journeyman plumber for at least one year prior to the filing of such application for license as master plumber which application shall be made to the Department of Health and after proper examination given by the Board of Plumbing Supervision of the Department of Health of said cities if such person or persons so applying shall be found competent and the fee has been paid as hereinafter provided the same shall be certified to the Director of Public Health of said cities who shall only to those so certified by the Board of Plumbing Supervision issue a license and certificate of registration to such persons certifying that they are registered master plumbers Such license shall so long exist as such master plumbers shall comply with all the rules and regulations of the Department of Health and obey the provisions of this act and shall entitle them to annually apply for a certificate permitting them to engage in or work at the trade of plumbing

One desiring to secure the status of an apprentice shall cause his name to be recorder on the register or rolls of the Department of Health at a cost to be fixed by the Director of the Department of Health and if approved shall receive a card of registration The employer of the apprentice shall certify on the said register or rolls that he is the certified licensed master plumber employing the apprentice If the apprentice changes employers each employer shall certify his employment of the apprentice The apprentice shall be sixteen years of age or over Provided That every certified master plumber may employ one apprentice and shall be entitled to employ not more than one additional apprentice for every four journeymen plumbers employed

No one but a qualified plumber as specified and provided for herein may do plumbing work however a helper or laborer may work under the direction of such a qualified licensed plumber performing only ordinary unskilled labor such as excavating drilling cleaning and moving

Section 1.2 No person firm or corporation not directly engaged in the trade or business of plumbing shall engage in the said business trade or work by himself itself employe or by any other means attempt to engage in the said plumbing work or business of plumbing No member of a firm of three or more persons or a corporation can engage in or continue in the plumbing trade unless one member is a certified licensed master plumber and a second member of said firm or corporation possesses a license as a master plumber

Should a certified master plumber or a licensed master plumber member of the firm or corporation die become incapacitated or sever his connection with the business the business can be continued during the process of administration for a period of not exceeding one year providing the necessary steps are taken satisfactory to the Board of Plumbing Supervision of the Department of Health to admit another master plumber qualified as above provided for as a member of the said firm or corporation Provided That a certified licensed master plumber approved by the Board of Plumbing Supervision of the Department of Health during this interim of administration supervises all work and assumes full responsibility therefor And provided further That municipal authorities shall be permitted to employ a licensed plumber for the repairing of plumbing in municipal buildings

Section 1.3 In the month of November the Department of Health shall send to the shop of each licensed master plumber possessing a certificate of that year an application for a certificate for the succeeding year and those desiring to continue in the trade of plumbing may either deliver in person or mail into the Department of Health the said application properly executed and signed together with the fee prescribed hereinafter not later than the thirty-first day of December and the Department of Health plumber certifying him as a licensed registered master plumber The cost of securing such certificate each year shall be three dollars ($3.00) and no other cost to be imposed by the city

Upon the failure of a licensed master plumber to make proper application for his certificate as herein provided by the thirty-first day of December he shall pay a penalty of two dollars ($2.00) and those licensed master plumbers who fail to secure a certificate for two years shall take an examination as required of applicants by this act

Section 1.4 Those desiring to become journeymen plumbers shall apply to the Department of Health and be given an examination by the Board of Plumbing Supervision of the Department of Health for the privilege of which examination they shall pay five dollars ($5.00) The names of those persons found competent shall be certified to the director of health of said cities who shall thereupon issue a certificate of registration to the applicant Registered journeymen plumbers who have been registered for four years shall be entitled to take the examination and qualify for a license as a master plumber. The journeyman plumber shall register each year in the month of January with the Department of Health and receive a certificate of registration at the cost of fifty cents (50c)

Those applying for a license as a master plumber shall pay for the privilege of examination the sum of twenty-five dollars ($25.00) and those who shall fail to pass an examination shall be permitted to retake the examination after the lapse of three months for which he shall pay five dollars ($5.00) Should the applicant again fail he may retake the examination at intervals of one year at the cost of twenty-five dollars ($25.00)

If the applicant for registration as a journeyman plumber fails he may retake the examination after three months at the cost of one dollar ($1.00) and if he fails again he may retake the examination at intervals of three months at the cost of five dollars ($5.00) All fees for examinations and registration as herein provided for shall be paid into the city treasury

A register or roll of all master plumbers and journeymen and apprentices who shall secure their certification each year shall be kept in the said department which rgister or roll shall be open to the inspection of all persons interested therein

Section 1.5 Every certified licensed master plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business the word "Registered" and the name or names of the person firm or corporation in letters not less than three inches high

No person other than a certified licensed master plumber shall be allowed to display the sign of plumbing or plumbing repair or house drainage or water piping or any advertisement pertaining thereto and the same shall apply to a firm or corporation

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its certificate to the Department of Health

Section 3 Section two of the said act as amended by section two of said amending act approved the seventh day of May one thousand nine hundred and thirty-one

(P. L. 101) is hereby further amended to read as follows

Section 2 [All and every person or persons engaged or engaging in the business or work of plumbing and house drainage in cities shall apply in writing to the said Director of the Department of Public Health Board or Bureau of Health for such certificate or license and if after proper examination made by the board or bureau of health of said cities such person or persons so applying shall be found competent the same shall be certified to the Director of Public Health Board or Bureau of Health who shall thereupon and upon the giving of a bond as hereinabove provided for issue a certificate or license to such persons which shall for the period of one calendar year or fractional part thereof next ensuing the date of such examination entitle him or them to engage in or work at the business of plumbing and house drainage

A register of all such applicants and the license or certificates issued shall be kept in said department which said register shall be open to the inspection of all persons interested therein

The Director of the Department of Public Health is hereby authorized to appoint a board of examiners to consist of the Director of the Department of Public Health one plumbing inspector and two competent plumbers in no wise connected with the city government who shall examine all applicants for license under the provisions of this act The said board shall make all reasonable rules regulations and examinations which shall be approved by the said Director of the Department of Public Health An examination of any one member of a firm or corporation or of the superintendent or foreman thereof shall be deemed sufficient

Said person or persons firm or corporation engaged or engaging in the business or plumbing or house drainage shall pay for each examination the sum of twenty-five dollars and each journeyman or person engaged in the work shall pay the sum of fifty cents which sum shall be paid into the city treasury for the use of said cities The proper officers of said cities are hereby authorized to pay the plumbers acting on said board the sum of ten dollars per day for each day or session thus actually employed

Every registered plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business a sign "Registered Plumber" bearing the name or names of the person firm or corporation in letters not less than three inches high

No person other than a registered master plumber shall be allowed to carry on or engage in the business nor shall any person or persons expose the sign of plumbing or house drainage or any advertisement pertaining thereto unless he or they have first given such bond secured a license or certificate and been registered in the office of the Board or Bureau of Health of such cities nor shall any person or persons other than a registered master plumber or person in his or their employ or under his or their supervision be allowed to alter repair or make any connection with any drain soil waste or vent-pipe or any pipe connected therewith

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its Every person firm or corporation or representative thereof in registering shall give the full name or names of the person firm or officers' names of the corporation for which he or they shall register

At the expiration of each calendar year said certificate or license shall be null and void A licensed master or journeyman plumber desiring to continue in or work at the business of plumbing and house drainage for the ensuing year shall between the first and thirty-first days of December of each year surrender the said certificate or license for the current year to the Department or Board or Bureau of Health and re-register his their or its name or names and business or home address upon such form or forms as may from time to time be furnished by said Department or Board or Bureau of Health

A re-examination will not be necessary for re-registration unless the licensed master or journeyman plumber should have failed to make application for re-registration at the specified time The sum of twenty-five dollars shall be paid by master plumbers firms or corporations and the sum of twenty-five cents by journeymen plumbers for re-registration which sums shall be paid into the city treasury for the use of said cities A register of all such applicants and license or certificates issued shall be kept in said Department Board or Bureau of Health which said register shall be open to the inspection of all persons interested therein Any person firm or corporation holding a license granted by any city of this Commonwealth to engage in or work at the business of plumbing and house drainage desiring to do plumbing and drainage work in any other city than the one in which said license or certificate was granted shall without examination by registered before entering upon such work Provided however That such registration shall be restricted and limited to such plumbing and drainage work as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his or its name or their names and addresses as hereinbefore provided] The Director of the Department of Health shall appoint a board to be known as the Board of Plumbing Supervision of the Department of Health It shall consist of the Director of the Department of Health one representative of the House Drainage Division of the Division of Housing and Sanitation four certified licensed master plumbers and one licensed journeyman plumber A master plumber who may qualify as an appointee must conduct a bona fide shop and be actively engaged in the trade of plumbing and those qualifying must not hold a position with the city or in any other manner be connected with the city or be an officer of a political party Three members of the board shall be appointed for a term of three years and two for a term of two years

Section 4 Said act is hereby amended by adding thereto Sections 2.1 2.2 2.3 2.4 2.5 to read as follows

Section 2.1 This board shall examine all applicants for licenses as master plumbers as provided for under the provisions of this act and upon finding the applicant competent shall certify his name to the Director of Health as qualified to be licensed and registered

Section 2.2 The said board shall have the power to hear complaints made by licensed plumbers of irregularities committed by registered journeymen plumbers and apprentices and the said board of the Department of Health shall have the power to suspend or revoke the certificate or the license of the master plumber and also suspending or revoking the certificate of registered journeyman plumber upon cause shown The aggrieved respondent shall have the privilege of appeal from the action of the Board of Plumbing Supervision of the Department of Health to the court of common pleas as in all other appeals made and provided for under the laws of the Commonwealth of Pennsylvania from executive bodies

The said board shall make all rules and regulations for the conducting of its business The board shall further have the power to hear complaints of licensed certified master plumbers and of registered journeymen plumbers against employes of the Department of Health connected with the plumbing division

In furtherance thereof the Board of Plumbing Supervision of the Department of Health may recommend to the Director of the Department of Health the punishment or dismissal of said employe of the house drainage division of the division of housing and sanitation

The proper officers of the said cities shall pay the plumbers acting on said board the sum of ten dollars ($10.00) for each day or session thus actually employed in carrying out the duties provided for by the provisions of this act The Board of Plumbing Supervision shall be convened for the purposes of carrying out the provisions

of this act as frequently as they deem necessary Such meetings shall be held in a fixed centrally located headquarters provided by the Department of Health

Section 2.3 That person holding the position of supervising plumbing inspector and that person holding the position of assistant supervisor of plumbing and those persons holding the positions of plumbing inspectors must sucessfully have passed the examination of licensed master plumber as given by the Board of Plumbing Supervision Provided however That those men holding those positions upon the passage of this act shall not be affected thereby so long as they shall continue in their employment

Section 2.4 The Department of Health shall issue to each master plumber who re-registers as a master plumber for the year one thousand nine hundred and thirty-six and to every master plumber who is granted a license thereafter a license and a permanent license number stating that the applicant has successfully passed the examination for a master plumber and is entitled to apply for re-registration annually thereafter provided he has established a place of business After this place of business has been approved by the Department of Health he shall be pranted a certificate of registration and the Department of Health shall furnish one metal plate bearing the words "Registered Master Plumber" Philadelphia and his permanent license number If additional metal plates are required they shall upon written application be furnished by the department as a cost to be set by the Department of Health and provided further that each and every vehicle used by master plumbers and equipped for trade of plumbing or used for the regular transportation of tools and equipment used for plumbing must have attached thereto on its exterior in a plainly visible position the herein described metal plate

Section 2.5 Any person firm or corporation holding a license or certificate granted by any city of this Commonwealth to engage in or work at the trade of plumbing house drainage and water piping desiring to do plumbing house drainage or water piping in a city of the first class shall without examination be registered before entering upon said work Provided however That such person or persons shall prior to such registration post a surety bond in the sum of five hundred dollars ($500) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnify the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Health in the performance of work done by such master plumber firm or corporation and pay the sum of fifteen dollars which sum shall be paid into the city treasury And provided further That such registration shall be restricted and limited to such plumbing repair drainage work or water piping as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his their or its name or names and addresses as hereinbefore provided

Section 5 Section sixty-nine of said act is hereby repealed

Section 6 Section seventy of said act is hereby amended to read as follows

Section 70 [Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage shall be liable to a fine of not less than ten dollars nor exceeding fifty dollars for each and every day he or they shall engage in or work at said business without first having obtained said certificate or license and any person or persons who shall violate any of the rules regulations or requirements set forth in this act regarding the construction reconstruction or testing of plumbing house drainage or cesspools shall be liable for every such offense to a fine of not less than ten dollars nor more than fifty dollars which fines shall be recoverable before any alderman or police magistrate in said cities by summary proceedings and shall be sued for in the name of such cities and when collected shall be paid into the treasury thereof

All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace in said cities and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed and upon recovery thereof all such fines and penalties shall be to the city treasurer thereof In default of the payment of any fine or penalty imposed by any police magistrate or justice of the peace under the provisions of this act the person or persons so offending may be committed to the jail workhouse or other penal institution of the county in which said city is situated for a period not exceeding thirty days] Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply additions alterations and repairs to plumbing house drainage water piping cesspools wastes traps or vents shall upon summary conviction before a magistrate or upon conviction in a court of record for the first offense committed by such person or persons pay the cost of prosecution and enter a bond of two years duration of an approved surety company approved by the court of common pleas of the county in the sum of five hundred dollars ($500) to the city in which said offense shall have been committed/conditioned that he will not violate any of the provisions of said acts of Assembly thereafter if the violator shall fail to procure a bond he shall be committed to the county jail for thirty days and upon any subsequent violation of any provision of this act the magistrate must hold the person or persons for the next term of court and upon conviction the said bond shall be forfeited to said city Provided That such person or persons shall be liable to a fine of fifty dollars for each and every day he or they shall engage in or work at said business without having first obtained the certificate and license as herein set forth and at the discretion of the court shall be imprisoned for a period not exceeding twelve months

Section 7 Said act is hereby amended by adding thereto Sections 70.1 70.2 70.3 to read as follows

Section 70.1 Licensed plumbers who shall violate any of the rules regulations or requirements made by the Board of Plumbing Supervision of the Department of Health in accordance with the provisions of said act as amended regarding the construction reconstruction additions alteration repairing or testing of plumbing house drainage water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools and wastes traps or vents shall be liable for every such offense to a fine of not less than five dollars ($5.00) nor more than fifty dollars ($50.00) All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace or court of record in said cities and all suits or actions at law may be instituted by any individual for the recovery thereof and shall be in the name and for the use of the city within or against which offense is committed and upon recovery thereof all such fines and penalties shall be paid to the city treasurer thereof

Section 70.2 At the instance of the Director of Health the city solicitor shall institute all legal proceedings for violations of the provisions of this act

Section 70.3 All permit secured for the doing of any plumbing house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools wastes traps or vents shall be conspicuously posted upon the front of the premises where the work is being done Any police official or inspector of the Department of Health of the said cities shall immediately order such work discontinued until a permit is produced Provided That if said work be nevertheless continued without placing said permit in a conspicuous place said person or persons shall be guilty of a violation and punished as set forth herein

Section 8 Section 71 of said act is hereby amended to read as follows

Section 71 The Board of Plumbing Supervision of the Department [or Board or Bureau] of Health shall have power to make such rules regulations and changes in the foregoing specifications relative to the construction of the plumbing or house drainage as said [department] board [or bureau] may from time to time determine to be necessary or advisable for the better protection of the safety or health of the occupants of any house or the community

Section 9 Said act is hereby amended by adding thereto Section 73 to read as follows

Section 73 Wherever it does appear in the act to which this is an amendment the phrase "Board or Bureau of Health" the same shall be taken to mean the Board of Plumbing Supervision of the Department of Health

Section 10 All acts and parts of acts inconsistent with the provisions of this amending act or supplied thereby are hereby repealed

All rules and regulations ordinances of council of the said cities of the first class inconsistent contradictory or contravening the provisions and purposes of this amending act are hereby declared null and void

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. WITKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to third reading and consideration of House Bill No. 2558, as follows:

An Act to further amend section two hundred and eighty-five of and to add a new section to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred and forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the sale and providing for the use of the list of persons licensed under the provisions of this act and providing for the payment of all moneys received thereby into the General Fund

Section 1 Be in enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred and forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended by adding thereto at the end of Chapter Ten the following new section

Section 230 (A) The Secretary of Revenue is authorized to dispose of after advertisement and competitive bidding to the highest bidder upon such terms and conditions and at such times as the Secretary shall prescribe a copy of the official list of persons licensed under the provisions of this act No other copy of said list shall be disposed of unless otherwise authorized by law

(B) The purchaser of the official list of persons licensed under the provisions of this act is authorized to reprint and use the list for commercial purposes

(C) All moneys received by the Department of Revenue from the sale of the copy of such official list shall be paid into the Treasury Department and credited to the General Fund

Section 2 That section two hundred and eighty-five of the said act as last amended by section one of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and five) is hereby further amended to read as follows

Section 285 Fish License Fund Established All fees fines penalties and other moneys paid received recovered and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law or (b) that may be hereafter paid recovered received and collected under the provisions of any act repealed and replaced by this act or (c) that may be paid received recovered and collected under the provisions of this act except as otherwise provided by law shall be placed in a separate fund by the State Treasury to be known as "The Fish Fund" and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and nonresident fishing licenses and license buttons and under the direction of the board for the following purposes.

(a) The payment of the salaries wages or other compensation of the Commissioner of Fisheries such deputies directors superintendents bureau or division chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers fish wardens laborers and other assistants and employes as may be required for the work of the board and such special deputy attorneys general assistant deputy attorneys general as may be assigned by the Attorney General to the board or for handling any legal business pertaining to its work.

(b) The payment of the traveling and other expenses of the members officers and employes of the Board of Fish Commissioners.

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding as may be necessary in the conduct of the work of the board and the payment of premiums on surety bonds for such officers or employes of the board as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and person operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the board.

(d) The payment of postage telegrams telephone rentals telephone toll charges and rentals for patented leased office devices or machines.

(e) Rentals for any offices outside of the Capitol Buildings or any other grounds buildings or quarters necessary for the work of the board.

(f) The propagation protection and distribution of fish and the stocking of waters within this Commonwealth as provided by law.

(g) Necessary repairs and improvements to fish hatcheries or other buildings offices or quarters used in the work of the board.

(h) Field work gathering spawn and transferring fish.

(i) The maintenance and operation of a boat on Lake Erie and the cruiser "Anna" at Torresdale on the Delaware River and

(j) Any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the board.

(k) With the consent of the Governor for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing hunting and forest purposes and said lands and waters so purchased shall be under the supervision direction and control of the board and

(l) The purchase and acquisition of additional land and water for State fish hatcheries the purchase acquisition and erection of buildings ponds and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries hereafter established and for the distribution of fish from hatcheries and the stocking of waters within this Commonwealth All moneys received from license fees in any fiscal year in excess of three hundred and fifty thousand ($350,000) dollars shall

be expended solely and exclusively for the purposes set forth in this clause.

All moneys in such separate fund from time to time are hereby specifically appropriated to the Department of Revenue and the board and may be expended for the purposes hereinbefore enumerated All printing buttons and other supplies or materials purchased by the Department of Revenue for the purpose of performing its duties under the provisions of this act shall be purchased through the Department of Property and Supplies as purchasing agency.

Estimates of the amounts to be expended under this act from time to time by the Department of Revenue and the Board of Fish Commissioners respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the Board of Fish Commissioners in excess of the estimates approved by the Governor Subject to the foregoing provision the Auditor General shall from time to time upon requisition of the Secretary of Revenue of the Commissioner draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund at the time of making such requisition.

Section 3 This act shall become effective immediately upon its final enactment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. LaRUE. Mr. Speaker, I move that this bill be recommitted to the Commitee on Fisheries for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1778 as follows:

An Act to protect the owners of mortgaged property during the present emergency by restricting the right to proceed against certain property and limiting the time within which deficiency judgments may be proceeded for and limiting the amounts thereof during a certain period

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where a bond and mortgage is or has been given for the same debt the real property bound by such bond and mortgage shall first be proceeded against and sold on execution and the amount of the deficiency judgment ascertained as hereinafter provided before any other property real or personal of the mortgage debtor may be levied on or sold for the debt secured by such bond and mortgage

In every such case where a single mortgage binds more than one parcel of real property and one or more but not all of such parcels have been sold on execution on the foreclosure of the mortgage or on the judgment entered on any obligation secured by the mortgage no further execution shall issue on such foreclosure or judgment against the remaining parcels so bound until the amount of the deficiency judgment has been determined as hereinafter provided

Section 2 In all cases where a bond and mortgage is or has been given for the same debt and the real estate is sold on the foreclosure of the mortgage or on the judgment entered on any obligation secured by the mortgage if the real estate shall not sell for a sum sufficient to satisfy the debt interest and costs then it shall be lawful to proceed for the deficiency that shall be determined in the manner hereinafter set forth

Section 3 Whenever any real property is sold on any execution on the foreclosure of any mortgage or on a judgment entered on any obligation secured by the mortgage and the sum for which such property was sold is not sufficient to satisfy the debt interest and costs including taxes the plaintiff and use plaintiff shall within six months after such sale petition the court out of which such writ of execution issued to fix the fair value of the property sold at the time of such sale Notice of the presentation of such petition shall be given to the defendant or defendants and to all parties whose interests appear of record and to all persons bound by any obligation securing the payment of such mortgage debt at least ten days prior to the date of the intended presentation of such petition to the court Such petition shall be heard by a judge of such court sitting without a jury or may by rule adopted by such court be referred to a master for hearing and determination subject to confirmation by the court Provided that the fee of any such master shall in no case exceed one hundred dollars ($100) nor the costs of any proceeding before a master the sum of fifty dollars ($50) And provided further That if the plaintiff or use plaintiff in his petition shall have averred his inability to defray the fees and costs of such proceeding before a master then a master shall not be appointed

Section 4. At all such hearings any party in interest may introduce in evidence testimony of the fair value of the premises sold at the time of the sale In the event the fair value is greater than that for which the property was sold the amount of such fair value and not the price for which the property was sold shall be deducted from the amount of the judgment interest and costs including taxes and a deficiency judgment entered for the balance

Section 5. If the plaintiff or use plaintiff shall fail to present such petition within six months after such sale the prothonotary shall upon application of the defendant or any person bound by any obligation securing the payment of such mortgage debt enter satisfaction of such judgment Such satisfaction shall have the effect of terminating as well as liability of all persons bound by any obligation securing the payment of such mortgage debt and the court shall have the power to make proper orders and decrees for cancellation of such liability and the surrender of any obligation evidencing such liability

Section 6 The defendant in the foreclosure proceeding or judgment or the real owner of the property sold or any other person or persons bound by any obligation securing the payment of such mortgage debt or other person in interest may at any time after the sale petition the court in like manner to fix the fair value of the property sold at the time of the sale and in such case shall give notice of the presentation of such petition to the plaintiff and use plaintiff at least ten days prior to its presentation to the court whereupon the court shall determine the fair value in the same manner as heretofore provided in the case of a petition by the plaintiff or use plaintiff

Section 7 In either case whether the petition is presented by the plaintiff or use plaintiff or by the defendant or any other party in interest any party may during the period of notice required by this act demand a jury trial whereupon the fair value of the property at the time of the sale shall be fixed by a jury trial as in other cases

Section 8 This act is an emergency measure under the police power of this Commonwealth

Section 9 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 10 All acts and parts of acts inconsistent herewith are hereby suspended during the period this act shall remain in effect

Section 11 The provisions of this act shall become effective immediately upon its final enactment and shall re-

main in force until the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Ferko,	McDermott,	Shreiner,
Alexander,	Finnerty,	McDevitt,	Shugarts,
Allen,	Fitch,	McElroy,	Siegel,
Altenburg,	Flinchbaugh,	McHenry,	Simon,
Andrews,	Forrest,	McKinney,	Simpson,
Arnold,	Furman,	Melchiorre,	Sinwell,
Atkins,	Gates,	Mentzer,	Sloan,
Aukerman,	Gerard,	Merrell,	Smith, J. A.,
Baine,	Gillette,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Green,	Mooney,	Snyder, F. E.,
Baker, J. J.,	Habbyshaw,	Moore,	Snyder, J. L.,
Baldi,	Haberlen,	Moran,	Sowers,
Barber,	Hagerty,	Moul,	Spangler,
Barnhardt,	Haluska,	Muir,	Sproul,
Bernhard,	Hamilton, F. P.,	Munley,	Stank,
Blumberg,	Hamilton, R. S.,	Murrin,	Stevens,
Boose,	Harkins,	Nagel,	Stewart,
Boyer,	Harmuth,	Nothnagle,	Stockham,
Bradley,	Hart,	O'Keefe,	Stott,
Brancato,	Hartman,	Ominsky,	Sumney,
Brennan,	Hefferon,	O'Neill,	Surface,
Brown, J. E.,	Hermansen,	Panton,	Tahl,
Brownfield,	Hetrick,	Parks,	Terry,
Burke,	Hindman,	Patterson, C.,	Tronzo,
Cannon,	Hirsh,	Patterson, J. W.,	Trout,
Caputo,	Hoffner,	Pearson,	Tumelty,
Carson,	Holland,	Perry,	Turner,
Castor,	Holstrom,	Pfaff,	Van Allsburg,
Chervenak,	Hoopes,	Phillips,	Van Sickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Powers,	Wall,
Cohen,	Jones,	Reising,	Wasserman,
Coleman,	Kane,	Reynolds,	Weidemann,
Condon,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Rinn,	Welliver,
Coolahan,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Ruffennach,	White,
Denning,	Kobelak,	Ruth,	Wickersham,
Dent,	LaRue	Sarraf,	Winner,
Diehl,	Linderman,	Scanlon,	Witkin,
Dilley,	Long,	Schrock,	Wood,
Downey, G. E.,	Longaker,	Schrope,	Woodside,
Downey, J. J.,	Lovett,	Schwab,	Yeakel,
Duffort,	Lynch,	Schwartz,	Yourishin,
Eberharter,	Male,	Shaw,	Zappala,
Eroe,	Mason,	Shepard,	Zimmerman,
Falkenstein,	McCreary,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2660 as follows:

An Act to further amend the title and subsection (e) of section one and sections thirteen fifteen and thirty-nine of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by including notice in the title that said act defines as transfers and taxes the right of survivorship in property as to which such right exists except in the case of husband and wife further defining the liability of such right of survivorship to taxation extending the Commonwealth's lien imposing certain duties upon safe deposit companies trust companies banks persons or corporations who or which lease safe deposit boxes and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 690) is hereby further amended to read as follows

An Act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as transfers and taxing the right of survivorship in property as to which such right exists except in case of husband and wife and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation on banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal

Section 2 Subsection (e) of section one of said act as last amended by section two of said act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred ninety) is hereby further amended to read as follows

Section 1 (e) Whenever any property real or personal is held in the joint names of two or more persons except as tenants by the entirety or is deposited in banks or other institutions or depositories in the joint names of two or more persons except as husband and wife and payable to either or the survivor upon the death of one of such persons the right of the surviving person or persons entitled to the immediate ownership or possession and enjoyment of such property shall be deemed prima facie a transfer of one-half or other proper fraction thereof taxable under the provisions of this act in the same manner as though this part of the property to which such transfer relates belonged to joint tenants or joint depositors as tenants in common and had been bequeathed or devised to the surviving person or persons by such deceased joint tenant or joint depositor by will so that upon the death of one of them the survivor or survivors have a right to the immediate ownership or possession and enjoyment of the whole property the accrual of such right by the death of one of them shall be deemed a transfer taxable under the provisions of this act of a fractional portion of such property to be determined by dividing the value of the

whole property by the number of joint tenants The provisions of this section shall apply regardless of when such joint estate was first created

Whenever personal property is deposited in banks or other institutions or depositories in the joint names of two or more persons except by a husband and wife as tenants by entireties and one of the parties to such deposit shall die it shall be the duty of such bank or other institution or depository within ten days after knowledge of such death to notify the Department of Revenue of such death giving the name of such deceased person the date of creation of the joint deposit the amount [deposited] on deposit at date of death with such bank or other institution or depository and the name and address of the survivor or survivors to such account Any bank or other institution or depository which after knowledge of any such death shall fail immediately to notify the Department of Revenue as herein required shall be liable to a penalty of one hundred dollars ($100.00) to be recovered by the said department as debts of like amount are by law recoverable

Section 3 Section fifteen of the said act as last amended by the act approved the twelfth day of June one thousand nine hundred and twenty-three (Pamphlet Laws one thousand seventy-eight is hereby further amended to read as follows

Section 15 Every executor administrator legatee devisee trustee grantee or other person or corporation in possession or enjoyment of any property subject to the tax whether real or personal of a resident decedent shall file under oath or affirmation an inventory or schedule of such property giving its location in the office of the register of wills of the proper county within three months after the death of such resident decedent or within three months after acquiring such interest in any property subject to the tax herein provided for and in the case of executors and administrators such inventory or schedule shall include all real estate belonging to such decedent of which such executors or administrators have knowledge

Whenever said inventory or schedule is not filed in the register of will's office of the proper county within three months after the death of such resident decedent the register of wills shall apply to the orphans' court of the respective county by bill or petition citing the executors administrators legatees devisees trustees grantees or other persons or corporations in possession or enjoyment of said property to file said inventory or schedule whereupon the court having caused notice to be given to such executors administrators legatees devisees trustees grantees or other persons or corporations in possession or enjoyment of said property shall proceed according to equity to make such decrees or orders in the premises as the facts warrant

If any tax shall remain due and unpaid for one year after decedent's death the register of wills shall apply to the orphans' court by bill or petition to enforce payment of the same whereupon in the case of personal property the orphans' court may cite the executors or administrators of the decedent whose estate is subject to the tax or any other person in possession of personal property belonging to such decedent's estate or derived from such estate and which is subject to the tax to file an account or to appear on a certain day and show cause why the tax should not be paid and where real estate is charged with the tax the court having first caused notice to be given to the trustee devisee grantee or other person or corporation acquiring or possessing such real estate and to such other persons as may be interested shall proceed according to equity to make such decrees or orders for the payment of the tax of such real estate as shall be just and proper

When personal service cannot be had notice shall be given for four weeks once a week in at least one newspaper published in the county and in the legal periodical designated by the rules of the court of the county for the publication of legal notices

If the tax shall be found to be due the delinquent shall pay the tax and costs

Whenever a safe deposit company trust company bank person or corporation has leased a safe deposit box to any person or persons and such lessee lessees or joint lessee shall die it shall be the duty of the safe deposit company trust company bank person or corporation within ten days after knowledge of such death or deaths to notify the Department of Revenue or the person designated by it of succh leased safe deposit box Immediately after acquiring knowledge of such death or deaths the safe deposit company trust company bank person or corporation shall refuse admittance to the safe deposit box unless an inheritance tax appraiser shall present to such safe deposit company trust company bank person or corporation an order from the Department of Revenue or the person designated by it directing such safe deposit company trust company bank person or corporation to permit the appraiser to examine the safe deposit box and to make an inventory of the contents of such safe deposit box in the presence of a representative of the estate and an officer or agent of such safe deposit company trust company bank or corporation or agent of such person Any safe deposit company trust company bank person or corporation who or which shall fail to notify the Department of Revenue or the person designated by it or permit the opening of a safe deposit box in violation of the provisions of this section shall be liable to a penalty of one thousand dollars ($1,000.00) to be recovered by the Department of Revenue as debts of like amount are by law recoverable

For the purpose of securing any needed information in the appraisement of property belonging to a resident decedent or in the collection of any tax due the register of wills or his deputy upon the application of the appraiser or parties in interest is hereby given the power to issue subpoenas to compel the production of books papers or documents by any person possessing the same as well as to compel the attendance of witnesses before the appraiser not earlier than three days from the service of such subpoena at a convenient place to be selected by the appraiser and for the purpose of such hearing the register of wills or his deputy is given the power to administer oaths or affirmations If any person being subpoenaed as aforesaid refuse or neglect to appear as commanded the register shall have the power to issue an attachment against said witness to compel his or her appearance according to the practice of the courts directed to the sheriff or any constable of the proper county for execution witnesses appearing before the appraiser in obedience to subpoena aforesaid shall be entitled to the same fees and mileage as are allowed by law to witnesses in the orphans' court

In the event the register of wills fails within the time herein mentioned to take the necessary proceedings as above outlined to secure the filing of the inventory or schedule of the property of a resident decedent or to collect the tax due then the [Auditor General] Department of Revenue shall have all the powers herein vested in th register of wills and at [his] its option may institute such proceedings and shall charge to said register of wills and deduct from any commissions or fees otherwise due him all costs expenses and attorney's fees incurred by the [Auditor General] Department of Revenue in connection with such proceedings

The [Auditor General] Department of Revenue in the settlement of accounts of any register may allow him costs of advertising and other reasonable fees and expenses incurred in the collection of the tax

Section 5 Section thirty-nine of the said act as last amended by the act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred and ninety-five) is hereby further amended to read as follows

Section 39 The lien of all taxes imposed by this act shall continue until the tax is settled and satisfied and shall be limited to the property chargeable therewith [All such taxes shall be sued for within five years after they are due otherwise they shall be presumed to have been paid and cease to be a lien as against any purchasers of real estate Provided however At any time within said five-year period if the inheritance taxes on the realty appraised are not paid the Department of Revenue shall have power to file a certificate under its seal certifying to such nonpayment which when filed in the prothontary's office of the county where such real estate is situated shall become a lien against decedent's real estate for a further period of five years from the date of such filing and such

lien shall be indexed in the judgment index in the name of the decedent as defendant

Section 6 This act shall become effective thirty days after its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Finnerty,	McDermott,	Shreiner,
Alexander,	Fitch,	McDevitt,	Shugarts,
Allen,	Flanagan,	McElroy,	Siegel,
Altenburg,	Flinchbaugh,	McHenry,	Simon,
Andrews,	Forrest,	McKinney,	Simpson,
Arnold,	Furman,	Melchiorre,	Sinwell,
Atkins,	Gates,	Mentzer,	Sloan,
Aukerman,	Gerard,	Merrell,	Smith, J. A.,
Baine,	Gillette,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Green,	Mooney,	Snyder, F. E.,
Baker, J J.,	Habbyshaw,	Moore,	Snyder, J. L.,
Baldi,	Haberlen,	Moran,	Sowers,
Barber,	Hagerty,	Moul,	Spangler,
Barnhardt,	Haluska,	Muir,	Sproul,
Bernhard,	Hamilton, F. P.,	Munley,	Stank,
Blumberg,	Hamilton, R. S.,	Murrin,	Stevens,
Boose,	Harkins,	Nagel,	Stewart,
Boyer,	Harmuth,	Nothnagle,	Stockham,
Bradley,	Hart,	O'Keefe,	Stott,
Brancato,	Hartman,	Ominsky,	Sumney,
Brennan,	Hefferon,	O'Neill,	Surface,
Brown, J. E.,	Hermansen,	Panton,	Tahl,
Brownfield,	Hetrick,	Parks,	Terry,
Burke,	Hindman,	Patterson, C.,	Tronzo,
Cannon,	Hirsch,	Patterson, J. W.,	Trout,
Caputo,	Hoffner,	Pearson,	Tumelty,
Carson,	Holland,	Perry,	Turner,
Castor,	Holstrom,	Pfaff,	Van Allsburg,
Chervenak,	Hoopes,	Phillips,	Van Sickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Powers,	Wall,
Cohen,	Jones,	Reising,	Wasserman,
Coleman,	Kane,	Reynolds,	Weidemann,
Condon,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Rinn,	Welliver,
Coolahan,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Ruffennach,	White,
Denning,	Kobelak,	Ruth,	Wickersham,
Dent,	LaRue,	Sarraf,	Winner,
Diehl,	Linderman,	Scanlon,	Witkin,
Dilley,	Long,	Schrock,	Wood,
Downey, G. E.,	Longaker,	Schrope,	Woodside,
Downey, J. J.,	Lovett,	Schwab,	Yeakel,
Duffort,	Lynch,	Schwartz,	Yourishin,
Eberharter,	Male,	Shaw,	Zappala,
Eroe,	Mason,	Shepard,	Zimmerman,
Falkenstein,	McCreary,	Shortz,	Sarig,
Ferko,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2167, entitled:

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other account due the Commonwealth the collecion and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State Government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Ferko,	McDermott,	Shreiner,
Alexander,	Finnerty,	McDevitt,	Shugarts,
Allen,	Fitch,	McElroy,	Siegel,
Altenburg,	Flinchbaugh,	McHenry,	Simon,
Andrews,	Forrest,	McKinney,	Simpson,
Arnold,	Furman,	Melchiorre,	Sinwell,
Atkins,	Gates,	Mentzer,	Sloan,
Aukerman,	Gerard,	Merrell,	Smith, J. A.,
Baine,	Gillette,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Green,	Mooney,	Snyder, F. E.,
Baker, J J.,	Habbyshaw,	Moore,	Snyder, J. L.,
Baldi,	Haberlen,	Moran,	Sowers,
Barber,	Hagerty,	Moul,	Spangler,
Barnhardt,	Haluska,	Muir,	Sproul,
Bernhard,	Hamilton, F. P.,	Munley,	Stank,
Blumberg,	Hamilton, R. S.,	Murrin,	Stevens,
Boose,	Harkins,	Nagel,	Stewart,
Boyer,	Hart,	Nothnagle,	Stockham,
Bradley,	Harmuth,	O'Keefe,	Stott,
Brancato,	Hartman,	Ominsky,	Sumney,
Brennan,	Hefferon,	O'Neill,	Surface,
Brown, J. E.,	Hermansen,	Panton,	Tahl,
Brownfield,	Hetrick,	Parks,	Terry,
Burke,	Hindman,	Patterson, C.,	Tronzo,
Cannon,	Hirsch,	Patterson, J. W.,	Trout,
Caputo,	Hoffner,	Pearson,	Tumelty,
Carson,	Holland,	Perry,	Turner,
Castor,	Holstrom,	Pfaff,	Van Allsburg,
Chervenak,	Hoopes,	Phillips,	Van Sickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Powers,	Wall,
Cohen,	Jones,	Reising,	Wasserman,
Coleman,	Kane,	Reynolds,	Weidemann,
Condon,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Rinn,	Welliver,
Coolahan,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Ruffennach,	White,
Denning,	Kobelak,	Ruth,	Wickersham,
Dent,	LaRue,	Sarraf,	Winner,
Diehl,	Linderman,	Scanlon,	Witkin,
Dilley,	Long,	Schrock,	Wood,
Downey, G. E.,	Longaker,	Schrope,	Woodside,
Downey, J. J.,	Lovett,	Schwab,	Yeakel,
Duffort,	Lynch,	Schwartz,	Yourishin,
Eberharter,	Male,	Shaw,	Zappala,
Eroe,	Mason,	Shepard,	Zimmerman,
Falkenstein,	McCreary,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2777 (Senate Bill No. 22), as follows:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 Definitions (a) The word "commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commissioner

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(m) "City" shall mean only a city of the third class

(n) All references to mayors, police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district within such city

(o) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 Registration Commissions Membership Actions by Vote of Majority of Members Record of Proceedings (a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of the commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

Section 4 Powers of Commissions Regulations Enforcement Correction of errors or Irregularities Cancellation of Registration Powers of Commissioners (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) To govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses on a matter pending before the commission (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Appointment of Chief Clerk as Registrars Incompatible Offices (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county to act as such for the commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk who shall have authority to administer oaths to sign vouchers and to register qualified electors who apply at the office of the commission for registration

(f) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any inn lodging house or hotel within such city and to interrogate any lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration

Section 6 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration counsel and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the passage of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 7 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 8 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 9 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists lists of voters voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 10 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 11 Watchers or Attorneys at Sessions of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or body of electors

Section 12 Candidates may be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 13 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice (a) From and after the first day of July one thousand nine hundred and thirty-five each commission or any commissioner or the chief clerk of the commission or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the sixty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the third day of September anything in this section to the contrary notwithstanding And providing further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have two registrars present to receive applications for the personal registration of

electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to September fourth of the two registrars who shall sit in each election district prior to September fourh in the year one thousand nine hundred and thirty-five one shall be a member of the party polling the highest vote within the election district at the preceding November elecion and the other shall be a member of the party polling the second highest vote within the election district at such election Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-five and shall hold office only during such year No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided unless the county chairman of the proper party fails to make such suggestion on or before July fifteenth one thousand nine hundred and thirty-five in which case the commission may appoint any qualified person

(b) The county commissioners shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of public education or school directors of each city or school district thereof shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration Provided That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 14 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 15 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) the designation of the political party of the elector for the purpose of voting at primaries (14) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (15) his height in feet and inches (16) the color of his hair (17) the color of his eyes and (18) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (19) the ward and election district in which the elector resides (20) the date of each election and primary at which the elector votes and (21) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

Section 16 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided From and after the first day of August one

thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 17 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Commission and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 18 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which naturalization was affected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and times when his father was naturalized and that at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-one may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court where such naturalization took place or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 20 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 21 General Register—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 22 District Registers—The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to the public inspection at all times subject to reasonable safeguards rules and regulations

Section 23 Removal Notices—The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 24 Transfer of Registration—(a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general

and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration or again register by personal application as provided by this act

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 25 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) At any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signatures of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 26 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Notice (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commissioner in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 27 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each four years the commission shall send such notices by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section twenty-eight of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 28 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of the city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts but of the two special inspectors canvassing any election district one shall be a member of the party polling the highest vote within such district at the last preceding November election and the other shall be a member of the party polling the second highest vote within the district at such election Each such person shall be suggested in writing by the county chairman of his party unless such county chairman fails to make such suggestion within thirty days after written notice is given by the commission in which case the commission may appoint any qualified person

(e) The commission shall instruct each special inspector in his duties

Section 29 Corrected Street Lists Not later than the fifteenth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered

electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 30 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission may forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 31 Delivery of District Registers to Election officers (a) Not later than noon of the second day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed that the name address voting record and other data on each card may easily be made visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 32 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered Are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates List of Voters Elections and Primaries Counting Et Cetera of Names Checked as having Voted Sealing of Registers and Lists of Voters Return of Lists of Voters and Registers (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have last his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity by affidavit and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall make affidavit of his identity or continued residence in the election district or that he has not violated any such election laws

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

.....Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines)

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voters certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the electors signature is not readily legible shall print such electors name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be

entered on his voters certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election The voters certificates so bound shall constitute the ballot check list required by law to be kept by the clerks of election All voters certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters

(g) As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the list of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The list of voters and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 33 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(b) The commission shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voters certificates and registers hereby prescribed

Section 34 Cancellation of Registration Upon Failure to Vote Within Two Years Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days after publication of the information contained in the notice mailed as aforesaid at least one time in at least one newspaper of general circulation published in the city where such elector resides The commission shall cancel the registration of such elector unless within ten days after the publication of the information contained in the notice as aforesaid he appears in person before the commission and offers satisfactory proof that he has actually voted at a primary or general election within two years The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 35 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 36 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 37 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 38 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after

the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 39 Crimes and Penalties (a) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(b) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(c) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than three (3) years

(d) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(f) Any commissioner registrar inspector or registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to under an imprisonment of not more than one year

(g) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subponea certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially atlers or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(h) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(i) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 40 Partial Invalidity Legislative Intent It is the intention of the General Assembly that if this act cannot take effect in its entidety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 41 Repeals The act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violations of its provisions" and the various supplements and amendments thereto are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class

Section 42 Effective Date This act shall become effective July first one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Ferko,	McDermott,	Shreiner,
Alexander,	Finnerty,	McDevitt,	Shugerts,
Allen,	Fitch,	McElroy,	Siegel
Altenburg,	Flinchbaugh,	McHenry,	Simon,
Andrews,	Forrest,	McKinney,	Simpson,
Arnold,	Furman,	Meichiorre,	Sinwell,
Atkins,	Gates,	Mentzer,	Sloan,
Aukerman,	Gerard,	Merrell,	Smith, J. A.,
Baine,	Gillette,	Moomaw,	Smith, W G.,
Baker, F. T.,	Green,	Mooney,	Snyder, F E.,
Baker, J. J.,	Habbyshaw,	Moore,	Snyder, J. L.,
Baldi,	Haberlen,	Moran,	Sowers,
Barber,	Hagerty,	Moul,	Spangler,
Barnhardt,	Haluska,	Muir,	Sproul,
Bernhard,	Hamilton, F. P.	Munley,	Stank
Blumberg,	Hamilton, R. S.,	Murrin,	Stevens,
Boose,	Harkins,	Nagel,	Stewart,
Bover,	Harmuth,	Nothnagle,	Stockham,

Bradley,	Hart,	O'Keefe,	Stott,
Brancato,	Hartman,	Ominsky,	Sumney,
Brennan,	Hefferon,	O'Neill,	Surface,
Brown, J. E.,	Hermansen,	Panton,	Tahl,
Brownfield,	Hetrick,	Parks,	Terry,
Burke,	Hindman,	Patterson, C.,	Tronzo,
Cannon,	Hirsch,	Patterson, J. W.,	Trout,
Caputo,	Hoffner,	Pearson,	Tumelty,
Carson,	Holland,	Perry,	Turner,
Castor,	Holstrom,	Pfaff,	Van Allsburg,
Chervenak,	Hoopes,	Phillips,	Van Sickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Powers,	Wall,
Cohen,	Jones,	Reising,	Wasserman,
Coleman,	Kane,	Reynolds,	Weidemann,
Condon,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Rinn,	Welliver,
Coolahan,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Ruffennach,	White,
Denning,	Kobelak,	Ruth,	Wickersham,
Dent,	LaRue,	Sarraf,	Winner,
Diehl,	Linderman,	Scanlon,	Witkin,
Dilley,	Long,	Schrock,	Wood,
Downey, G. E.,	Longaker,	Schrope,	Woodside,
Downey, J. J.,	Lovett,	Schwab,	Yeakel,
Duffort,	Lynch,	Schwartz,	Yourishin,
Eberharter,	Male,	Shaw,	Zappala,
Eroe,	Mason,	Shepard,	Zimmerman,
Falkenstein,	McCreary,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2037, as follows:

An Act to amend section eighteen of an act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section eighteen of the Act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

"Section 18 The Sheriff to whom the scire facias is given for service shall add to the writ as parties defendant all persons other than those named therein who may be found in possession of the property described or any part thereof and in case no one is found in possession by the sheriff he shall post a true copy of the writ on the most public part of said property and he shall add to the said writ the names of any persons not already named therein whom he may ascertain to have an interest in the property described or any part thereof which writ shall then be further served as follows

(a) By serving as in the case of a summons such of those named in the writ or added thereto as may be found in the county in which the writ issued and

(b) Where the sheriff has information that those named in the writ or added thereto or any of them may be found in any other county of this Commonwealth the said person shall be served as in the case of a summons by the sheriff of the county in which the said defendants or any of them may reside he being deputized for that purpose by the sheriff of the county in which the writ issues and

(c) In case any of those named in the writ or added thereto cannot be found by the sheriff or their residences within this Commonwealth are unknown to him or in case they reside without the Commonwealth the said writ may be served by advertising a copy thereof or a brief notice of the contents of the same once a week for three successive weeks in one newspaper of general circulation in the county and in the legal periodical if any designated by the court for that purpose Provided however that the foregoing provision relating to advertising in a newspaper and legal periodical shall not apply to a scire facias issued upon a claim which claim exclusive of penalties interests and costs is Fifty Dollars or less and further Provided however that any defendant may accept service of said writ in person or by counsel with the same effect as if duly served therewith by the Sheriff

Where the said writ or the brief notice of the contents thereof have been advertised as aforesaid or when in cases where advertising is not required a copy of the said writ has been posted as aforesaid the same shall have the same effect as if the writ had been personally served and all those named therein or added thereto as to whom publication or posting has been made shall file their affidavit of defense as required by the said writ within fifteen days after the date of the last weekly advertisement of the said writ when advertising is required or within sixty days after the posting of the said writ in cases where advertising is not required and all those named therein or added thereto who have been served as in case of a summons shall file their affidavit of defense as required by said writ within fifteen days after such service Service of any such writ may be made at any time within three months from the date on which it was issued but it shall be served and returned at the earliest date possible and the plaintiff may require its return at any time whether or not it be actually served"

Section 2 This act shall become effective and applied to writs of scire facias issued thirty days after its passage

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. CONDON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1137, as follows:

An Act to fix the time during which bills for service rendered by public service companies shall be payable at a

discount and restricting the right to add and collect penalties except interest where discounts are not allowed in accordance with this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that every public service company as defined by the Public Service Company Law which bills the customers of its service monthly or periodically and allows a discount for prompt payment shall hereafter be required to allow such discount on any bill if paid within the time specified by this act as follows Bills rendered on any of the first fifteen day of any month shall be subject to discount if paid on or before the first day of the succeeding month bills rendered during the second half of the month beginning with the sixteenth day of the month shall be subject to discount if paid on or before the fifteenth day of the succeeding month

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Ferko,	McDermott,	Shreiner,
Alexander,	Finnerty,	McDevitt,	Shugarts,
Allen,	Fitch,	McElroy,	Siegel,
Altenburg,	Flinchbaugh,	McHenry,	Simon,
Andrews,	Forrest,	McKinney,	Simpson,
Arnold,	Furman,	Melchiorre,	Sinwell,
Atkins,	Gates,	Mentzer,	Sloan,
Aukerman,	Gerard,	Merrell,	Smith, J. A.,
Baine,	Gillette,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Green,	Mooney,	Snyder, F. E.,
Baker, J. J.,	Habbyshaw,	Moore,	Snyder, J. L.,
Baldi,	Haberlen,	Moran,	Sowers,
Barber,	Hagerty,	Moul,	Spangler,
Barnhardt,	Haluska,	Muir,	Sproul,
Bernhard,	Hamilton, F. P.,	Munley,	Stank,
Blumberg,	Hamilton, R. S.,	Murrin,	Stevens,
Boose,	Harkins,	Nagel,	Stewart,
Boyer,	Harmuth,	Nothnagle,	Stockham,
Bradley,	Hartman,	O'Keefe,	Stott,
Brancato,	Hefferon,	Ominsky,	Sumney,
Brennan,	Hermansen,	O'Neill,	Surface,
Brown, J. E.,	Hetrick,	Panton,	Tahl,
Brownfield,	Hindman,	Parks,	Terry,
Burke,	Hirsch,	Patterson, C.,	Tronzo,
Cannon,	Hoffner,	Patterson, J. W.,	Trout,
Caputo,	Holland,	Pearson,	Tumelty,
Carson,	Holstrum,	Perry,	Turner,
Castor,	Hoopes,	Pfaff,	Van Allsburg,
Chervenak,	Horst,	Phillips,	Van Sickle,
Coakley,	Jackson,	Piole,	Walker,
Cochran,	Jones,	Powers,	Wall,
Cohen,	Kane,	Reising,	Wasserman,
Coleman,	Kelder,	Reynolds,	Weidemann,
Condon,	Kelso,	Rhys,	Weiss,
Conner,	Kilroy,	Rinn,	Welliver,
Coolahan,	Kinney,	Roan,	Welsh,
Davies,	Klingler,	Robinson,	Westrick,
Decker,	Kobelak,	Ruffennach,	White,
Denning,	LaRue,	Ruth,	Wickersham,
Dent,	Linderman,	Sarraf,	Winner,
Diehl,	Long,	Scanlon,	Witkin,
Dilley,	Longaker,	Schrock,	Wood,
Downey, G. E.,	Lovett,	Schrope,	Woodside,
Downey, J. J.,	Lynch,	Schwab,	Yeakel,
Duffort,	Male,	Schwartz,	Yourishin,
Eberharter,	Mason,	Shaw,	Zappala,
Eroe,	McCreary,	Shepard,	Zimmerman,
Falkenstein,		Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2294, entitled:

An Act to further amend paragraph ten of section three hundred two of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An Act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further defining the moneys payable into the State Treasury to the credit of the Manufacturing Fund.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Ferko,	McDermott,	Shreiner,
Alexander,	Finnerty,	McDevitt,	Shugarts,
Allen,	Fitch,	McElroy,	Siegel,
Altenburg,	Flinchbaugh,	McHenry,	Simon,
Andrews,	Forrest,	McKinney,	Simpson,
Arnold,	Furman,	Melchiorre,	Sinwell,
Atkins,	Gates,	Mentzer,	Sloan,
Aukerman,	Gerard,	Merrell,	Smith, J. A.,
Baine,	Gillette,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Green,	Mooney,	Snyder, F. E.,
Baker, J. J.,	Habbyshaw,	Moore,	Snyder, J. L.,
Baldi,	Haberlen,	Moran,	Sowers,
Barber,	Hagerty,	Moul,	Spangler,
Barnhardt,	Haluska,	Muir,	Sproul,
Bernhard,	Hamilton, F. P.,	Munley,	Stank,
Blumberg,	Hamilton, R. S.,	Murrin,	Stevens,
Boose,	Harkins,	Nagel,	Stewart,
Boose,	Harmuth,	Nothnagle,	Stockham,
Bradley,	Hart,	O'Keefe,	Stott,
Brancato,	Hartman,	Ominsky,	Sumney,
Brennan,	Hefferon,	O'Neill,	Surface,
Brown, J. E.,	Hermansen,	Panton,	Tahl,
Brownfield,	Hetrick,	Parks,	Terry,
Burke,	Hindman,	Patterson, C.,	Tronzo,
Cannon,	Hirsch,	Patterson, J. W.,	Trout,
Caputo,	Hoffner,	Pearson,	Tumelty,
Carson,	Holland,	Perry,	Turner,
Castor,	Holstrom,	Pfaff,	Van Allsburg,
Chervenak,	Hoopes,	Phillips,	Van Sickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Powers,	Wall,
Cohen,	Jones,	Reising,	Wasserman,
Coleman,	Kane,	Reynolds,	Weidemann,
Condon,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Rinn,	Welliver,
Coolahan,	Kilroy,	Roan,	Welsh,

Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Ruffennach,	White,
Denning,	Kobelak,	Ruth,	Wickersham,
Dent,	LaRue,	Sarraf,	Winner,
Diehl,	Linderman,	Scanlon,	Witkin,
Dilley,	Long,	Schrock,	Wood,
Downey, G. E.,	Longaker,	Schrope,	Woodside,
Downey, J. J.,	Lovett,	Schwab,	Yeakel,
Duffort,	Lynch,	Schwartz,	Yourishin,
Eberharter,	Male,	Shaw,	Zappala,
Eroe,	Mason,	Shepard,	Zimmerman,
Falkenstein,	McCreary,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. GATES. Mr. Speaker, I desire to call up at this time House Bill No. 2512, Printer's No. 862, on page 10, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. GATES.

The House resumed the consideration on final passage of House Bill No. 2512, entitled:

An Act staying legal proceedings against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with ti for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute on Limitations and inconsistent Acts of Assembly.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. GATES. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. GATES. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, line 1 of title, by striking out the words "An Act staying" and inserting in lieu thereof: "staying"

Amend Title, page 1, line 1 of title, by inserting after the word "proceedings" the following: "except in certain cases"

Amend Bill, page 3, by inserting between lines 11 and 12 the following section: "Section 3. Any person, association or corporation affected by this act may petition a court of competent jurisdiction and said court, upon hearing, being convinced that cash is needed for maintenance, education or support, and other necessitous cases, may make such order as may be necessary under the circumstances.

Amend Bill, page 3, line 12, by striking out the figure "3" and inserting in lieu thereof: "4"

Amend Bill, page 3, line 16, by striking out the figure "4" and inserting in lieu thereof "5"

Amend Bill, page 3, by inserting between lines 20 and 21 the following sections: Section 6. Nothing contained in this act shall be construed to apply where the amount of any trust, estate or other fund is five hundred dollars ($500) or less."

"Section 7. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein."

Amend Bill, page 3, line 21, by striking out the figure "5" and inserting in lieu thereof: "8"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2317 (Senate Bill No. 609), entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Ferko,	McDermott,	Shreiner,
Alexander,	Finnerty,	McDevitt,	Shugarts,
Allen,	Fitch,	McElroy,	Siegel,
Altenburg,	Flinchbaugh,	McHenry,	Simon,
Andrews,	Forrest,	McKinney,	Simpson,
Arnold,	Furman,	Melchiorre,	Sinwell,
Atkins,	Gates,	Mentzer,	Sloan,
Aukerman,	Gerard,	Merrell,	Smith, J. A.,
Baine,	Gillette,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Green,	Mooney,	Snyder, F. E.,
Baker, J J.,	Habbyshaw,	Moore,	Snyder, J. L.,
Baldi,	Haberlen,	Moran,	Sowers,
Barber,	Hagerty,	Moul,	Spangler,
Barnhardt,	Haluska,	Muir,	Sproul,
Bernhard,	Hamilton, F. P.,	Munley,	Stank,
Blumberg,	Hamilton, R. S.,	Murrin,	Stevens,
Boose,	Harkins,	Nagel,	Stewart,
Boyer,	Harmuth,	Nothnagle,	Stockham,
Bradley,	Hart,	O'Keefe,	Stott,
Brancato,	Hartman,	Ominsky,	Sumney,
Brennan,	Hefferon,	O'Neill,	Surface,
Brown, J. E.,	Hermansen,	Panton,	Tahl,
Brownfield,	Hetrick,	Parks,	Terry,
Burke,	Hindman,	Patterson, C.,	Tronzo,
Cannon,	Hirsch,	Patterson, J. W.,	Trout,
Caputo,	Hoffner,	Pearson,	Tumelty,
Carson,	Holland,	Perry,	Turner,
Castor,	Holstrom,	Pfaff,	Van Allsburg,
Chervenak,	Hoopes,	Phillips,	Van Sickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Powers,	Wall,
Cohen,	Jones,	Reising,	Wasserman,
Coleman,	Kane,	Reynolds,	Weidemann,
Condon,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Rinn,	Welliver,
Coolahan,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Ruffennach,	White,

Denning,	Kobelak,	Ruth,	Wickersham,
Dent,	LaRue,	Sarraf,	Winner,
Diehl,	Linderman,	Scanlon,	Witkin,
Dilley,	Long,	Schrock,	Wood,
Downey, G. E.,	Longaker,	Schrope,	Woodside,
Downey, J. J.,	Lovett,	Schwab,	Yeakel,
Duffort,	Lynch,	Schwartz,	Yourishin,
Eberharter,	Male,	Shaw,	Zappala,
Eroe,	Mason,	Shepard,	Zimmerman,
Falkenstein,	McCreary,	Shortz,	Sarig,

NAYS—0

The majrity required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

LIQUOR CONTROL INVESTIGATING COMMITTEE GRANTED PERMISSION TO SIT DURING SESSION OF THE HOUSE

Mr. EBERHARTER. Mr. Speaker, I move that the Liquor Control Investigating Committee be granted permission of the House to sit during the Session of the House.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. RUTH. Mr. Speaker, I move that the time on House Bill No. 1044, Printer's No. 811, entitled:

An Act to amend section two of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" granting licenses by the Board to certain persons having had at least ten years' practical experience as embalmer or undertaker under certain conditions

on pageP 19 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL ON THIRD READING

Mr. BAINE. Mr. Speaker, I desire to call up at this time House Bill No. 2139, Printer's No. 901, on page 21, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BAINE.

The House resumed the consideration on third reading of House Bill No. 2139, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, or existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. BAINE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 7, line 11 by striking out after the word "or" the word "township"

Amend section 1, page 7, line 11 by inserting after the word "or" and before the word "in" the following: "other community"

Amend section 1, page 14, line 24 by inserting after the word "articles" the following:

"The department may in its sole discretion disapprove articles the effect of which is to establish a branch bank, branch office, agency, sub-office, sub-agency, or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located, if it shall appear, as a result of the investigation or hearing required by this section, that an incorporated institution having its principal place of business in the county in which such proposed branch bank, branch office, agency, sub-office, sub-agency, or branch place of business is to be located has in good faith notified the department of its intention to establish a branch bank, branch office, agency, sub-office, sub-agency, or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank, branch office, agency, sub-office, sub-agency, or branch place of business is to be located.

Amend Section 1, page 19, line 27 by inserting after the word "articles" the following: The Department may in its sole discretion disapprove articles the effect of which is to establish a branch bank, branch office, agency, sub-office, sub-agency, or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institutions is located, if it shall appear, as a result of the investigation or hearing required by this section, that an incorporated institution having its principal place of business in the county in which such proposed branch bank, branch office, agency, sub-office, sub-agency, or branch place of business is to be located has in good faith notified the department of its intention to establish a branch bank, branch office, agency, sub-office, sub-agency, or branch place of business in accordance wih the provisions of this act in the same place in which such proposed branch bank, branch office, agency, sub-office, sub-agency, or branch place of business is to be located."

Amend Section 1, page 12, line 28, by underscoring the figure "(4)"

Amend Section 1, page 13, line 10, by inserting before the figure "(5)" the following: "[(4)]"

Amend Section 1, page 17, line 17, by underscoring the figure "(5)"

Amend Section 1, page 18, line 1, by inserting before the figure "(6)" the following: "[(5)]"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1383.

Cmmonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1383, Printer's No. 470, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID UPON THE TABLE

Mr. MORAN. Mr. Speaker, I move that the bill together with the communication be laid upon the table.

The motion was agreed to.

RECESS

The SPEAKER. The Chair wishes to announce that the Senate will reconvene at 5:00 P. M. The Senate has several important communications from the House for concurrence, and it is therefore necessary for the House to take a recess for about fifteen minutes until the communications from the House are concurred in and returned to the House. Are there objections? The Chair hears none, and declares a recess until 5:15 P. M.

AFTER RECESS

The SPEAKER. The time of recess having expired, the House will be order.

The SPEAKER (Wilson G. Sarig) in the Chair.

ANNOUNCEMENT

COMMITTEE MEETING

The Committee on Judiciary Special will hold a public hearing on Senate Bill No. 666, on Tuesday, May 14, 1935 at 3:00 P. M. in room 324.

ADJOURNMENT

Mr. WELSH. Mr. Speaker, I move that this House do now adjourn until Monday, May 13, 1935, at 9:00 P. M.

The motion was agreed to, and (at 6:43 P. M.) the House adjourned until Monday, May 13, 1935, at 9:00 P. M. (E. S. T.)

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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Vol. 18. HARRISBURG, PA., MONDAY, MAY 13, 1935 No. 60

SENATE

MONDAY, May 13, 1935.

The Senate met at 9 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O God, we live in an intense age. Many problems face us, serious tasks confront us, burdens heavy to bear rest relentlessly upon our shoulders. And the time Thou dost allot unto us to meet and discharge all these responsibilities is indeed brief.

Thus we too frequently find ourselves sorely pressed and ruthlessly driven by the stern demands of duty. At times we feel that instead of mastering our work, our work is mastering us. Then fear of impending defeat chills our hearts, spurring us on to still keener activity. We rush on rails of steel, drive on hardened highways and fly in roaring planes through the air to more speedily meet life's demands.

Teach us, O Lord, the secret of quietude and deliberation in the midst of tension. May we at times go into executive session with Thee, permitting Thee to preside and hearing Thee say unto us "Be still and know that I am God."

May we as legislators and as citizens hearken unto Thy voice, be guided by Thy will and follow where Thou dost lead. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. HARVEY asked and obtained leave of absence for the Senator from Luzerne, Mr. Sordoni.

PETITIONS

OPPOSING A GENERAL SALES TAX

The Chair cleared his table and laid before the Senate petitions from a number of labor unions throughout the State opposing the levying of a sales tax.

Which were referred to the Committee on Finance.

PROTESTING AGAINST SENATE BILL NO. 751.

The Chair also laid before the Senate petitions from numerous relief boards in Philadelphia and vicinity protesting against Senate Bill No. 751.

Which were referred to the Committee on County Government.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION.

The Chair also laid before the Senate petitions from numerous churches and citizens throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

FAVORING INCREASED RELIEF ORDERS.

The Chair also laid before the Senate petition from the Unemployed Citizens League Number Three of Bethlehem favoring increasing the present relief orders.

Which was referred to the Committee on County Government.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1137 (Senate Bill No. 1300), entitled:

An Act to fix the time during which bills for service rendered by public service companies shall be payable at a discount, and restricting the right to add and collect penalties except interest where discounts are not allowed in accordance with this act.

Which was committed to the Committee on Public Utilities.

House Bill No. 1778 (Senate Bill No. 1301), entitled:

An Act to protect the owners of mortgaged property during the present emergency by limiting the time within which deficiency judgments may be proceeded for, and limiting the amounts thereof, during a certain period.

Which was committed to the Committee on Judiciary General.

House Bill No. 2167 (Senate Bill No. 1302), entitled:

An Act to further amend section one thousand four hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes.

Which was committed to the Committee on State Government.

House Bill No. 2294 (Senate Bill No. 1303), entitled:

An Act to further amend paragraph ten of section three hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "Fiscal Code," by further defining the moneys payable into the State Treasury to the credit of the Manufacturing Fund.

Which was committed to the Committee on State Government.

House Bill No. 2660 (Senate Bill No. 1304), entitled:

An Act to further amend the title and subsection (e) of section one and sections thirteen, fifteen and thirty-nine of the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, as amended, "The Transfer Inheritance Tax Law," by including notice in the title that said act defines as transfers and taxes the right of survivorship in property as to which such right exists; further defining the liability of such rights of survivorship to taxation; extending the Commonwealth's lien; imposing certain duties upon safe deposit companies, trust companies, banks, persons, or corporations, who or which lease safe deposit boxes, and imposing penalties.

Which was committed to the Committee on Banking.

HOUSE CONCURS IN SENATE BILL NO. 609

He also returned to the Senate, Senate Bill No. 609, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.

with the information that the House has passed the same without amendment.

QUESTION OF PERSONAL PRIVILEGE

Mr. PRINCE. Mr. President, I rise to the familiar and possibly overworked question of personal privilege.

The PRESIDENT. The Senator from Cumberland, Mr. Prince, will state his question of personal privilege.

Mr. PRINCE. Mr. President, two or three weeks ago one of my constituents, dissatisfied with my publicly expressed approval of certain features of the Earle tax program, wrote me a letter in which he complained, "I hear that you have become a Democrat." I have not had time to answer his letter. When I do, I shall tell him that I have not become a Democrat but neither am I such a hide-bound, hard-boiled Republican that I must turn thumbs down on a good bill just because it happens to be sponsored on the other side of the party fence. My mind may be incapable of appreciating the fine points of party strategy, but it has always seemed to me that in the legitimate scheme of things political parties exist for the State, not the State for political parties. If this simple proposition is correct, it would follow that the surest method for any party to secure and retain control of any government is to dedicate itself to the public service and by faithful execution of its self-appointed task earn the public's gratitude and confidence.

Principles, as the dividing lines of parties, are easiest discerned and most persistent when first proclaimed in the flush and pristine freshness of early propaganda. As the party ages and grows worldly-wise its principles wither and seek the solace of retirement, like the discarded inamorata of a once violent but now passionless love. The original allegiances of the Democratic party, for example, were home rule and individual liberty. The last chapter in the progressive abandonment of these traditional Jeffersonian enthusiasms was finished when that misbegotten and ill-omened fowl, the indigo dodo, knocked the American eagle off his perch, and installed its gruesome anatomy as the emblem of regimented industry under the bureaucratic despotism of an academic brain trust. The Republican party was born in a flame of moral indignation kindled by the repeal of the Missouri Compromise. Its inspiration lasted ten years and evaporated somewhere along the trail between the assassination of Abraham Lincoln and the disastrous "retreat from Moscow" in 1932. A singular exchange of doctrinal loyalties has made the Republican party the champion of state rights, and the Democratic party the proponent of federal centralization. Reluctantly we face the conclusion that whatever historic or sentimental value party principles may have as moral inheritance from an illustrious past, in the actual conduct of present day government they have little if any propulsive or restraining force. The major question in legislative proposals, whatever their origin or nature, is solely intrinsic merit—the question of justice and practicability. If parties are to survive the melee of legislative contention it can only be on the basis of competitive endeavor, not to mutually discredit or destroy, but in rivalry to excel in the type and quality of service rendered.

Pennsylvania has been Republican so long that our party can hardly realize that it is no longer in the saddle. Republicans who confidently assert, "We have the votes," overlook the fact that nominal registration is not necessarily a guarantee of delivery at the polls. We did have the votes, and it was the self-complacency and arrogance bred by that fictitious asset that placed us where we are today, in the position of a minority party which does not have the votes. Not that I regard the election of Governor Earle as a partisan victory. There are not enough Democratic votes in the State to elect unaided a Democratic governor. But there are enough Republican voters endowed with political conscience, moral convictions and independent judgment to defeat or elect either party's candidates whenever the situation demands the free exercise of these qualities. The only strategy or tactics that will get either party anywhere is intelligent disinterested effort for the common good. If the Democrats, so far as lies within their opportunity and power, give the people that, and we do not, the Democrats will continue to win their political battles, and they will deserve to win them. If we unite with the Democrats in reasonable unprejudiced consideration of legislative measures, voluntarily co-operate in the spirit of fair play, and seek and emphasize points of agreement rather than points of disagreement, we shall regain the confidence and favor we have lost and recover the natural advantage which our nominal registration implies. The Republican party in this session has already rendered one transcendent service which ought not to be forgotten by the taxpayers. It has knocked off eighty-nine million dollars from the original budget and at the same time has met the Governor's demand and the Federal Government's requirement for sixty million dollars for relief. Perhaps the public will toss us one bouquet in compensation for the dead cats it has been hurling for the past eighteen weeks.

Systematic taxation is a modern development which did not begin to be scientific until the eighteenth century, and

is far from being reasonably scientific even now. The trouble with the financial burden of government is that it falls with heaviest impact on the poor. With much, very much, of the Earle Tax program I have been in hearty accord from the start, because I believe it moves toward the desideratum of just taxation—which is that a man shall contribute to the government proportionately to the benefits he receives from the government.

If some of these levies seem to hit the victim with the ungentle force of a solarplexus blow, I suggest it is because the victim has coddled his pocketbook nerve so long by the practice of protective evasion that it has become supersensitive to unaccustomed pressure. And so, like football player or a boxer who has neglected exercise and training and finds his muscles flabby and his wind short when he gets back on the gridiron or in the ring, he can't stand up and take it.

There are a couple of other fat cows that ought to be milked while we are about it. There is no reason why foundations should be exempt from the tax on gifts. These privileged establishments collect so much money that they have to sit up nights devising ways to spend it. The ways they discover and adopt include about everything the founders never thought of. The other succulent prospect is the chain stores. A tax on them would no more be a levy on the family market basket than a dollar and ten cents dog license is a tax on Glover's Mange Cure. There isn't one of them that wouldn't absorb it to escape competition with the local merchants. These taxes would make it possible to eliminate one to two of the minor but annoying items in the compromise proposals, such as the mercantile tax increase and the check tax, to the advantage and satisfaction of everybody except the foundations and the chain stores.

Compromise is the basis of all enduring adjustments. The Constitution of the United States was wrought out and brought to eventuation by mutual concessions which seemed at the time like a hundred percent surrender. If all the persons who participated in the late conferences had put their feet under a friendly board laden with the accessories of good cheer early in the session, these four months of acrimonious dispute might perhaps have been avoided by a satisfactory meeting of minds. Some very momentous questions that defied solution in debates and caucuses have yielded to the melting glow of shaded candles and the amiable influence of a menu card. The location of the national capital and the assumption of State debts were two convulsive issues that threatened to disrupt the young republic in the days of its early hope. Partisanship ran high and animosites seemed implacable. The shrewd and tactful Hamilton arranged a dinner of political opposites at which Jefferson, an artist in the social amenities, presided and incidentally paid the bill, and there the major differences were worked into a compromise settlement to the entire satisfaction of all concerned.

If the distinguishing principles of our respective parties are historical rather than contemporary, we are at heart no less patriotic, no less capable of fitting the solution to the problem, than were our fathers in the days when statesmen wore silver buckles and ruffled shirts.

We have faced conditions in this session unparalleled within living memory in the history of the Senate. Momentous problems still await our decision, challenging our faith and courage no less than they demand our patience and fair judgment. If circumstances tempt to partisan display, let us remember that they also invite to non-partisan concurrence. Let us respect the boundaries which our separate loyalties define, put first things first, and "render unto Caesar the things which are Caesar's, and unto God the things which are God's." Thus shall the legislative intelligence, the legislative volition and the legislative conscience combine in statutory accord with the noble sentiment inscribed on the arch above the rostrum where the Lieutenant Governor presides:—"Government is the means of Justice as Justice is the means of Peace. Let every man take heed how he buildeth thereupon."

May these words inspire and not accuse us!

QUESTION OF PERSONAL PRIVILEGE

Mr. HARRIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, will state his question of personal privilege.

Mr. HARRIS. Mr. President, after hearing the beautiful, scholarly address of my colleague and friend, the Senator from Cumberland, Mr. Prince, I rise in fear and trembling to discuss for just a few minutes a very practical thing. Every member of this Senate is familiar with what has taken place in the last four months, since the fifteenth day of January, when Governor Earle was inaugurated. I believe the most important piece of legislation that has or will appear before this body is the tax program for relief, and that program has been discussed almost to the exclusion of every other piece of legislation of importance.

The Governor of Pennsylvania, shortly after taking office, formulated a program of twenty-two points, providing that it would return in taxes $60,000,000.00, the amount required by the Federal Government for the purpose of relief. It met with a storm of protest from the people, as every tax would. Taxes of any kind are unpopular—all of them. I wish that I could be against every tax that would be proposed. And that would be the way to remain popular with your constituents. But that is not a constructive policy. This is not the time to hedge, dodge or evade.

Then the Republican Party decided to formulate a program—which they did, covering nine bills. In this they produced a program that would return the same amount, $60,000,000.00; and I believe, in that address over the radio some few weeks ago, I called attention to the fact that on seven of the nine bills of the Republican Party the Democratic Party are in accord. After all these four months of disagreement and harsh words exchanged, and from the speeches over the radio and statements in the papers, it narrowed itself down to two bills.

As I said before, the Senators who are familiar with the bills know what happened; but I am wondering if the public is not confused, if the public does not think that we are both wrong, both the Republicans and the Democrats; I am wondering if they think we have approached this is the right way—whether or not there had been delay on the part of the Republican Party in formulating a program. Now, let us, for a second, do what the legal fraternity says—let us do a little summing up.

The program was formulated, and then the Finance Committee called upon the Governor, and for several weeks we heard reports, but very little word from the

Committee. Now, I do not criticise the Finance Committee; they had a difficult task, and perhaps they did their very best; but nevertheless, for some reason or other —whether they were at fault or not—there was delay; and finally a group of Senators here who have some independence, I am proud to say, decided that the delay had continued too long, and they called upon the Governor. There was no program discussed at that time, but it was the sincere desire on the part of these men to have something done, to accomplish something, put something into effect before the zero hour came on relief. You will all recall that the deadline occurred three weeks ago, when the Republican Party presented bills to transfer moneys from some special funds to take care of relief at that time—merely putting off the evil day.

The Finance Committee reported to the caucus that they were at an impasse—no agreement could be made with the Governor. Then a new Committee was appointed, and they called upon the Governor, and an unfortunate incident occurred; but fortunately it was straightened out the next day to the saisfaction of all. In these times men who occupy places of trust must not become too sensitive, must not take offense too easily atwhat any of us may say in times of stress—very often, after a hard day, many of us become irritated. And so that little incident passed off, and this new Committee met the next day and had a very pleasant time with the Governor, and they gathered, as our scholarly friend would say, "around the table," and there, tentatively and dispassionately, discussed the tax program, and reported back to the caucus on this fact—a seven-hour caucus of the Republicans; and what happened in the caucus I suppose the ethics of the Senate, and the traditions, prevent us from telling in detail; it was nothing serious, but there was a very fine discussion of the tax program.

Then a new Committee was appointed to take to the Governor a message, and that message was to the effect that we were coming into accord with his program—hardly a bit of difference; we agreed in principle but disagreed slightly in detail. We started for the Governor's office but before we reached the Governor this program was changed, the details were changed, the figures were changed; but much to our delight they were still coming closer to what the Governor wanted.

Now then, the Governor was pleased. True, he accepted some of these items with reluctance—as we all do in the whole program of either party; there are many things we would like to vote against; but he agreed—and I am seriously sorry that Senator Sordoni is not here tonight, but Senator Staudenmeier is, and he served on that Committee with me—we had an agreement, and there we agreed upon a program; and it was said at that time, by the Republican committee who visited the Governor, that while we were in accord, and it was the consensus of opinion of the Republican Party that they would pass this program, still we could not guarantee to the Governor the thirty or thirty-one votes of the caucus. It was accepted in good spirit, and later was confirmed by the members of the Republican caucus.

Now then, I have taken rather a long time to come to the point but I did so purposely so that everyone would know just exactly what happened. Since last Wednesday, when this agreement was made, I have heard rumors of fight on different parts of this program; I have heard that there is strenuous opposition to several items of this program; and what I am fearing now is that on some of these bills on which there is the widest difference of opinion, and to which there is the most opposition, we will be in doubt as to whether there will be enough Republicans to join with the Democrats in putting these bills into effect. I am very fearful that some of these bills will go down to defeat. I have heard, time and time again, Republican members say that they are going to oppose certain of these bills. I do not question their right to do that; I would like to oppose some of these bills myself; but what I want to say is, if any of these bills are defeated, if, by Wednesday of this week, these bills are not passed, enacted into law, what will be the effect? Federal Relief Administrator Harry Hopkins said, in no uncertain terms, that relief will end, relief will end on Wednesday of this week.

Then what happens? Then the people on relief—1,700,000 persons—of course some of those are accused of being unworthy of charity, but at least there are a million five hundred thousand receiving charity who deserve it, men and women who are willing to work if they can find work to do, who are not only perfectly willing to work but who prefer to work rather than to receive charity from the State.

Now then, gentlemen, here is the situation: are we going to pass this whole program? Is every bill in the program agreed on going to be passed this week? If we fall short, if there is even one bill or two bills—and particularly those that would bring in the greatest amount of revenue—if they fail, then relief fails.

Now then, gentlemen of the Senate, I want to put myself straight on this question. I am willing to vote for every bill that we have agreed upon; each and every one of them I am willing to vote for. I hope that there are enough Republicans in this Senate to vote the same way. I know that these people that come here opposing legislation—I know they think it is just terrible that we should tax their industries, that we should tax their businesses; but I would like them to substitute something in place of these taxes. They oppose, but do not propose anything as a substitute. I am willing to vote for another program if the Governor and Republican members of the Senate agree upon one, but I am certainly not going to be frightened away by any group of men, no matter how strong or how powerful they are, from doing my full duty; and if by Wednesday or Thursday next the relief program is not passed, and the people begin to starve, and the people begin to cry for food, I just wonder if the peace officers of this State are not going to have a very difficult time in controlling them.

I say to you now that I believe we should do as we did with regard to the Sordoni Act, when the banks were in trouble, when everybody had lost confidence in the banks of the State, when it was too late to enact legislation in time to allay their fears—because it takes five days to pass a bill; at that time a resolution was passed by the House and the Senate pledging all the members to the passing of the Sordoni bill; and I want to say to you that if there is any program formulated that will bring in $60,000,000.00 in relief by Wednesday next, I will present a resolution on this floor placing every man in this body on record as to where he stands on each and every bill on this program. I am ready now, and willing, to vote for each and every bill on this program.

QUESTION OF PERSONAL PRIVILEGE

Mr. RANKIN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Rankin, will state his question of personal privilege.

Mr. RANKIN. Mr. President, as one of the new Senators of this Senate, I have refrained from participating in debate, but when I see such a fine feeling existing here this evening, I must say a few words at this time.

I am a firm believer in Party Government because it makes for responsibility. Platforms are written by parties, and candidates are pledged to make good the promises of those platforms; hence, parties serve the country by enabling the people to change their rulers when these rulers no longer truly serve. That is why America continues as a Democracy in spite of the sad experiences of so many of the other countries of the world. In the last analysis, our people do truly govern themselves; and, so far in our nation's history, the two-party system has worked fairly well in meeting the requirements of the people.

If you will think back with me to the time when our people broke away from England, you will agree with me that it was simply because the government was no longer in accord with the desires of the people. Do you not remember that at first, we were thirteen separate governments—each fearful of the other and resentful and suspicious as to everybody's motives but his own. At that time, in a convention of the representatives of the colonies, suspicion and fear seemed to be on the verge of deadlocking any action whatever. In that crisis, one far-seeing patriot arose in that august body, and made this declaration, "Brethren, we are no longer New Yorkers, Virginians, or Vermonters; we are Americans." So it is with us today in Pennsylvania. We members of the government of Pennsylvania are no longer either Democrats or Republicans alone; we are Pennsylvanians; and we, in particular, are Pennsylvanians charged with the solemn responsibility of meeting a situation that is extremely regrettable in many of its features. It is not of our making nor of our choosing, but it is here and we are in the providence of God, the men chosen to meet it. Political action alone will not solve this problem; it requires statesmanship of the highest type.

Regardless of our party affiliations, the men of this Senate represent the entire people of Pennsylvania and that back of every responsibility to party lies the supreme responsibility of each of us to the people of Pennsylvania. And, in the last analysis, no obligation to any party can morally interfere with our freedom to do right, and it certainly must be right to legislate in behalf of those who are unemployed and need to be fed.

I appreciate that many things have been said that hurt; wounds have been made that are hard to heal; but surely the men of this Senate—men who are above the average in judgment ability and intelligence—will not let injured feelings interfere with their duties to the people whom they represent.

We are citizens of the greatest Commonwealth in the United States, let us prove that her Statesmen are as great as the State they represent.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILLS NOS. 70 AND 256

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 70, Printer's No. 362, entitled "An Act to amend sections one and seven as amended clauses (a) and (d) and clause (g) as amended of section fifteen and clauses (b) and (c) as amended of section twenty-three and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549) entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act' by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards."

Senate Bill No. 256, Printer's No. 363, entitled "An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 1015 AND RESOLUTION FOR ERECTING MEMORIAL IN HONOR OF BRIGADIER GENERAL CASIMIR PULASKI

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 9, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 1015, Printer's No. 385, entitled "An Act to amend sections one seven and eleven of the act approved the seventh day of February one thousand nine hundred and six (P. L. 7) entitled 'An act to enable cities that are now or may hereafter be contiguous or in close proximity to be united with any intervening land other than boroughs in one municipality providing for the consequences of such consolidation the temporary government of the consolidated city payment of the indebtedness of each of the united territories and the enforcement of debts

and claims due to or from each' by requiring a majority vote in each city and in the intervening land voting on the question of consolidation and extending the provisions of said act to pending proceedings."

A Resolution of the Senate and House of Representatives requesting the General Assembly of Pennsylvania to take the necessary and proper steps for erecting and constructing some permanent memorial in honor of Brigadier General Casimir Pulaski at some suitable location associated with the struggle of the American forces for Independence.

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to computet from the date of confirmation:

ALLEGHENY COUNTY

James B. Reed, P. O. Box 1675, Pittsburgh.

BEAVER COUNTY

Miss Sophia D. Paige, Beaver Falls.

BLAIR COUNTY

Mrs. Mildred M. Mitchell, Altoona.

BUTLER COUNTY

Miss Mildred G. McMahan, Butler.

DAUPHIN COUNTY

Sylvio V. Lewis, Steelton.

DELAWARE COUNTY

Mrs. Gladys L. Scholl, Chester.

LEHIGH COUNTY

Eugene K. Twining, Allentown.

LYCOMING COUNTY

Ira F. Smith, Williamsport.

PHILADELPHIA COUNTY

Woodward Abrahams, City Hall, Philadelphia.
Benjamin Disson, 2407 N. 31st St., Philadelphia.
Mrs. Florence B. Harvey, 1591 N 52nd St., Philadelphia.
August J. Kolbe, 1222 N. 29th St., Philadelphia.
Ralph M. Reeve, 510 Walnut St., Philadelphia.
Miss Ada M. Smith, 1310 Arch St., Philadelphia.
Jacob Stern, Walnut and Juniper Sts., Philadelphia.
Joseph A. Tanzola, 15th and Chestnut Sts., Philadelphia.
Miss Mary F. Tempest, 1218 Chestnut St., Philadelphia.
George W. West, Jr., 5905 Torresdale Ave., Philadelphia.
Miss Mary M. Willy, 1608 Walnut St., Philadelphia.

SCHUYLKILL COUNTY

Chester H. Reed, Valley View.
Mrs. Viola M. Umbenhauer, Pine Grove.

UNION COUNTY

Miss Sara K. Herman, Lewisburg.

WASHINGTON COUNTY

Miss Marian Crispin, Washington.

WESTMORELAND COUNTY

Miss Mamie Dobas, Monessen.

YORK COUNTY

Walter M. Senft, York.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite his name:

BUCKS COUNTY

John A. Collins, Morrisville, May 26, 1935.

GEORGE H. EARLE.

MEMBER OF THE STATE EMPLOYES' RETIREMENT FUND.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Wendell P. C. Morgenthaler, 3100 North 4th Street, Harrisurg, Dauphin County, as a member of the State Employes' Retirement Board, vice John C. Orr, to serve until his successor is appointed.

GEORGE H. EARLE.

JUSTICE OF THE PEACE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

George Shebaugh, of Gouldsboro, Wayne County, as Justice of the Peace in the Township of Lehigh, Wayne County, vice M. E. Smith, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

REPORT FROM COMMITTEE

Mr. CLARK, from the Committee on Elections, reported as committed, Senate Bill No. 484, entitled:

An Act to amend section seven of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of provisions of this act," as amended; further regulating the construction of voting machines.

BILLS INTRODUCED

Mr. ZEISENHEIM read in his place and presented to the Chair Senate Bill No. 1305, entitled:

An Act to further amend subsection twenty of, and add subsections twenty-five and twenty-six to, section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools, subject to the reduction of taxes on real property by school districts, and imposing duties on school districts.

Which was committed to the Committee on Education.

Mr. BATCHELOR read in his place and presented to the Chair Senate Bill No. 1306, entitled:

An Act to amend section one of the act approved the fifth day of April, one thousand nine hundred and twenty-nine (P. L. 170), entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth, and imposing liability for costs upon the county in certain cases," eliminating the requirement for payment of costs by counties in summary proceeding dismissals.

Which was committed to the Committee on Judiciary General.

Mr. THOMPSON read in his place and presenetd to the Chair Senate Bill No. 1307, entitled:

An Act authorizing counties cities town boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of the holders thereof

Which was committed to the Committee on State Government.

Mr. RODGERS read in his place and presented to the Chair Senate Bill No. 1308, entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by extending the jurisdiction of said court to civil cases transferred to it by order of a majority of the judges of the Court of Common Pleas of Allegheny County, and to certain criminal cases elected by the district attorney; and providing for fees, procedure and right of appeal in such criminal cases.

Which was committed to the Committee on County Government.

Mr. HUFFMAN read in his place and presented to the Chair Senate Bill No. 1309, entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction, reconstruction or maintenance, under certain terms and conditions, of free bridges across the Delaware River; granted certain powers to the Department of Highways in connection with the construction, reconstruction or maintenance of such bridges and approaches thereto; and making an appropriation.

Which was committed to the Committee on Highways.

TIME OF NEXT MEETING

Mr. HUNSICKER offered the following resolution, which was twice read, considered and agreed to.

In the Senate, May 13, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 20, 1935, at nine o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday evening, May 20, 1935, at nine o'clock, Eastern Standard Time.

RESOLUTION RELATIVE TO THE PRINTING OF FIVE HUNDRED COPIES OF MEMORIAL SERVICE OF THE LATE HONORABLE JAMES S. BOYD

Mr. BEAN offered the following resolution, which was twice read and referred to the Committee on State Government.

In the Senate, May 13, 1935.

Resolved (if the House of Representatives concur), That five hundred copies of the proceedings of the memorial service, held in honor of the late Honorable James S. Boyd, be printed for the use of the Senate.

PROPOSING INTERSTATE CONFERENCE TO DISCUSS REVENUE LEGISLATION

Mr. WOODWARD. Mr. President, I move that the Senate do now proceed to the consideration of Resolution proposing Interstate Conference to discuss Revenue Legislation which was reported from the Committee on Finance on April 24th, and laid on the table.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was read as follows:

In the Senate, April 22, 1935.

Resolved (if the House of Representatives concur), That the Legislatures of the States of New York, New Jersey, Delaware, Maryland, West Virginia and Ohio be respectfully invited to arrange to have their respective Senate and House committees dealing with revenue legislation or sub-committees thereof, meet with the Finance Committee and Ways and Means Committee of the Senate and House of Representatives of Pennsylvania on May , 1935, for the purpose of discussing uniform revenue legislation to relieve the burden of taxation on real estate;

Resolved, That a copy of this resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of each of said states by the Chief Clerk of the Senate.

On the question,

Will the Senate agree to the resolution ?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

SENATE BILL NO. 22 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. REED (Dauphin). Mr. President, I move that this bill be laid on the table.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 851

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 851, entitled:

An Act to amend paragraphs one and two of section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 681), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard; imposing duties upon the Department of Military Affairs;" altering qualification requirements for the award of such medals.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 4 RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 4, entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

RESOLUTION RECALLING FROM THE SENATE, SENATE BILL NO. 22

He also presented extract from the Journal of the House of Representatives which was twice read as follows:

In the House of Representatives, May 13, 1935.

Resolved (if the Senate concur), That Senate Bill No. 22 entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties.

be recalled from the Senate for the purpose of amendment.

Mr. REED (Dauphin). Mr. President, I move that the resolution be adopted.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. ARON. Mr. President, I ask unanimous consent that Senate Bill No. 928 (House Bill No. 1082), on third reading, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 661 (House Bill No 862), as follows:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale The term "retail dealer" shall include every person who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5.00) for each permit unless the applicant shall be the holder of a mercantile license in effect when the application is made in which case no permit fee shall be required

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5.00) except that no renewal fee shall be required if the applicant possesses a mercantile license effective when the application is made

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1.00)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such

stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth may affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and canceled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be torn and mutilated when the package is opened Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cigarettes and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) The diverse methods and conditions of sale of cigarettes in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsalable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than

once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 All taxes and penalties received collected or recovered under the provisions of this act befor June first one thousand nine hundred and thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes and penalties paid into the State Treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which Senate Bill No. 661 (House Bill No. 862), was ordered to be transcribed for third reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree that the bill be transcribed for third reading?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was agreed to on second reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 721 (House Bill No. 857), as follows:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after certain years and repealing certain acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 1305 Reports by Banks Fiduciaries Prothonotaries Et Cetera in the month of January of each year reports heretofore made to the Auditor General shall hereafter be made to the Department of Revenue as follows

(a) Every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation doing business in this Commonwealth [except] including savings funds savings institutions and savings banks [subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] which receives or has received deposits of moneys shall make a report of such deposits of money which shall not have been increased or decreased or if not increased or decreased on which interest is not known to have been credited on the pass-book or certificate of deposit of the depositor at his request within [fourteen] ten or more consecutive years next preceding the first day of said month in all cases except savings funds savings institutions and savings banks and in the case of savings funds savings institutions and savings banks shall not have been so increased decreased or credited within a period of twenty-one or more consecutive years next preceding the first day of said month The said period of [fourteen] ten

years or twenty-one years as the case may be shall be computed from the date when the deposit was first made or was increased or decreased or interest was entered in the pass-book or on the certificate of deposit of the depositor whther the deposit was at such date in the possession of the depository holding the same at the expiration of said period of [fourteen] ten or twenty-one years or was in the possession at said date of any other depository the deposits of which were afterwards taken over by a depository holding such deposit at the expiration of said period of [fourteen] ten or twenty-one years

(b) Every trustee guardian committee executor administrator assignee receiver or other person or corporation acting in any fiduciary capacity whatever shall make a report of all moneys or other estate held by him or it under a dry trust or under or by reason of an active trust which has terminated the beneficial owner or owners of which moneys or estate shall have been unknown or the whereabouts whereof shall have been unknown for a period of seven years next preceding the first day of said month

(c) Every prothonotary of a court of common pleas and every clerk of an orphans' court shall make a report of any estate or effects which shall have been paid into and deposited in the court of which he is an officer or shall be in the custody of any depository receiver or other officer of said court the rightful owner or owners of which estate or effects shall have been unknown or the whereabouts of such owner or owners shall have been unknown for the period of seven or more successive years next preceding the first day of said month

(d) Every person partnership limited partnership partnership association bank bank and trust company national bank trust company safe-deposit company or other corporation or association engaged in the business of receiving moneys on deposit or securities or other property for safe-keeping which has received and holds in any manner not elsewhere in this act mentioned any money belonging to another person or which has received and holds any other property or estate of another person for storage or safe-keeping or otherwise in any manner whatsoever shall make a report of all such money or property so far as known the amount of which money has not been claimed or access to which property has not been had by the person for whom the same is held within seven or more successive years next preceding the first day of said month

(e) Every bank national bank bank and trust company trust company or other corporation association partnership limited partnership and partnership association engaged in the business of receiving moneys on deposit or securities or other property for safe-keeping in this Commonwealth except building and loan association shall make a report of all dividends or profits declared by it to any stockholder or member and not paid for three or more successive years next preceding the first day of said month and all debts and interest on debts due by it to any creditor and not paid for three or more successive years next preceding the first day of said month and of all property held by it for the benefit of another person which property shall have been demandable by such other person for seven or more successive years next preceding the first day of said month and shall not have been received by such other person

Every report required by this section shall show the names and addresses of the depositors of such money or the owners of such property received for storage or safe-keeping of the said stockholders members or creditors and of the persons entitled to demand the property held for the benefit of another in the cases respectively and the nature and amount of such deposits of money property dividends profits debts and interest on debts and property held for the benefit of another so far as known and if any such particulars be not known it shall be so stated and such particulars as are known shall be stated and such reports shall be in the form prescribed by the Department of Revenue and shall be verified by affidavit of the persons making the same and in the case of a corporation or other person not a natural person shall be made and verified by affidavit of the treasurer thereof or chief financial officer if there be no treasurer said affidavit to declare that the report is true and contains all the facts required by law to be reported

Every person liable to make such report shall permit the Department of Revenue acting through any deputy clerk accountant or attorney designated by it for that purpose to inspect the records books and papers of such person relating to the subject matter of such report and when required by the Department of Revenue by subpoena signed by the Secretary of Revenue designating a certain time and place any person whether liable to make such report or not shall attend as a witness before any deputy clerk accountant or attorney designated by it for that purpose with such records books and papers as the Department may require and shall answer fully such questions as may then be put to him concerning the subject matter of this section and permit full inspection of such records books and papers

No person shall be excused from answering or from attending and testifying or from producing books papers and records in any proceeding under the provisions of this section or in any proceeding criminal or otherwise relating to the subject matter thereof for the reason that the answer or testimony or evidence documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may answer or testify or produce evidence documentary or otherwise in any such proceedings Provided That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying

If any person or corporation shall fail to comply with any summons of the Department of Revenue for the attendance of persons or for the production of books accounts documents or papers or shall refuse to be sworn as a witness or refuse to testify fully as such or if any person or corporation shall refuse to permit any person designated by the Department of Revenue to inspect books accounts documents or papers as required by this section the Attorney General acting for the Department of Revenue may apply by petition in the name of the Commonwealth to the court of common pleas having jurisdiction and the court shall make such order on reasonable notice to such person or corporation as shall compel compliance with the law and the violation of such order shall be a contempt of such court and punishable as such The remedies herein provided shall be in addition to other remedies and penalties provided by law

No fee or reward shall be paid to any person for information which shall result in the escheat of any property which is reported or required to be reported under the provisions of this section but this section shall not apply to corporations which are not engaged in receiving deposits of money securities or other property for safe-keeping

Section 2 Sections one two and three of the act approved the seventeenth day of April one thousand eight hundred and seventy-two (Pamphlet Laws sixty-two) entitled "An act relating to unclaimed deposits in savings banks and transfers of stock" and all acts amendatory and supplementary thereto are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which Senate Bill No. 721 (House Bill No. 857), was ordered to be transcribed for third reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree that the bill be transcribed for third reading?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was agreed to on second reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 722 (House Bill No. 853), as follows:

An Act to further amend the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (P. L. page 62) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation shall escheat after ten years and in the case of savings fund savings institution and savings bank shall escheat after twenty-one years and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (P. L. page 62) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and or any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" as amended by the act approved the twenty-first day of April one thousand nine hundred and twenty-one (P. L. 223) are hereby further amended to read as follows

An Act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporation companies banks national banks trust companies insurance companies limited partnerships and partnerships associations doing business in this Commonwealth [except saving-funds savings institutions and savings banks subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another

Section 7 After any particular deposit of money made [otherwise than in a saving-fund savings institution or savings bank subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall not have been increased or decreased or if not increased or decreased shall not be known to have been credited with interest on the pass book or certificate of deposit of the depositor at his request for the period of [fourteen] ten successive years in all cases except savings funds savings institutions and savings banks and in the case of savings funds savings institutions and savings banks shall not have been so increased decreased or credited for a period of twenty-one years the same shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest thereon actually accrued to the date of the decree for the escheat of the same whether such deposit was at the expiration of said period in the possession of the depositary with which it was originally deposited or in the possession of another depositary which took over mediately or immediately in any manner whether before or after the expiration of said period of [fourteen] ten years or twenty-one years as the case may be the deposits of the depositary with which the deposit was originally made

After the owner beneficial owner or person entitled to any of the following named moneys or property shall be and remain unknown or the whereabouts thereof shall have been unknown for the period of seven successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheated in the man-

ner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same namely

(a) Moneys or other estate of any kind whatsoever held by any person bank national bank trust company or other association or corporation as guardian committee executor administrator assignee or receiver or as trustee under or by reason of any other trust the active duties of which have terminated except the delivery or payment to the beneficiaries thereunder of the subject of the trust and any increments accrued thereon

(b) Any moneys estate or effects paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of any such court

After any moneys or property held by any person bank national bank trust company or other corporation or by any association limited partnership or copartnership belonging to any other person the escheat of which is not otherwise provided for in this section has been and remained unclaimed by the person for whom the same is held for the period of seven or more successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

After any dividend or dividends profit or profits declared by any bank national bank trust company or other corporation or association or by any partnership and after any debt or interest on any debt or debts owed by any such bank national bank trust company or corporation association or copartnership shall have been and remained due and unpaid for three successive years such dividends or profits debt or interest on debt shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

Such escheat shall at the suggestion of the Auditor General be determined and enforced by an action in the nature of a bill in equity filed by and in the name of the Attorney General against the depositary fiduciary or debtor and all of his or its depositors beneficiaries or creditors for whom he or it holds unclaimed moneys escheatable under the provisions of this act in the appropriate court for the county where the debtor if an individual resides or if a corporation where it maintains its principal office Such action shall be brought in the court of common pleas except (a) Where it is sought to escheat unclaimed trust funds in which case the same shall be brought in the court having jurisdiction of such funds and except (b) where it is sought to escheat moneys paid into or deposited in a court or in the custody of any officer thereof in which case such action shall be brought in the court into which the money was paid or in which it was deposited or in the custody of an officer of which court the said moneys are

When the moneys have been paid into and are in the custody of any court the escheat of the same shall be determined and enforced at the suggestion of the Auditor General by a petition filed by the Attorney General in said court upon which proceedings shall be had as in other cases of escheat provided for by this section Proceedings for the escheat of moneys in the possession or custody of any officer of any court shall be by a bill as provided for by this section in other cases in which bill such officer and the persons entitled to such moneys shall be made codefendants

Any such escheat proceedings may be prosecuted whether the deposits dividends moneys funds or other property or estate sought to be escheated shall have been reported to the Auditor General in conformity with the provisions of this act or have not been so reported Any number of items may be joined in one action against one debtor though owed to different creditors

If service of the bill cannot be had on the creditors defendant within the State service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which the debtor is resident or has its principal office and also when practicable for the same period in such a newspaper published in the county within or without the Commonwealth where when last heard from by the debtor the creditor had his residence Publication may be made in such form as the court shall direct and need not contain any order or other paper in full

If such creditors or their legal representatives shall appear in the cause within the time limited by the court and establish their right to recover said sums from the debtor but for the provisions of this act and if this right shall not be barred by the statute of limitations or presumption of payment a decree shall be made for the payment of said sums to them after paying their proportionate part of the costs of the cause and of said advertising Provided That such persons on demand may have any issue of fact determined by a jury and if they shall not so appear and establish such right a decree shall be made that said sums have escheated and shall be paid by the debtor to the State Treasury for the use of the Commonwealth and the amount of such decree shall bear interest at the rate of twelve per centum per year from sixty days after the same is made and such decree shall be effectual to bar the creditors from claiming the said sums from the debtor An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein

An action may be begun in the nature of a bill for discovery merely with respect to the subject matter of this act whether in this or other sections hereof against the debtor without the necessity of specifying the items which should escheat with the right to compel an answer under oath to subpoena all persons as witnesses and to compel the production of all books papers and records and from time to time the bill may be amended to pray for the escheat of specific items under this section seven and to make parties to the bill the creditors as ascertained

Section 2. All moneys received prior to June first one thousand nine hundred and thirty-six as escheats under the act to which this is an amendment or under any other act of assembly without escheat as the result of the reduced period of time provided for by this amendment which are in excess of the average amount per annum received from escheats or payments into the State Treasury without escheat from the same sources under any acts of assembly during the preceding five fiscal years ending May thirty-first one thousand nine hundred and thirty-five shall be used only for unemployment relief purposes and for such purposes are hereby appropriated On and after June first one thousand nine hundred and thirty-six such revenues shall be credited to the General Fund

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which Senate Bill No. 722 (House Bill No. 858), was ordered to be transcribed for third reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree that the bill be transcribed for third reading?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was agreed to on second reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill go over in its order.

The PRESIDENT. Is there objection?

The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 726 (House Bill No. 1192), as follows:

An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations join-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this section except where the context clearly indicates a different meaning

"Corporation" A corporation having capital stock joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall not include building and loan associations banks bank and trust companies national banks savings institutions beneficial life and limited life insurance companies mutual fire and mutual life insurance companies and trust companies

"Department" The Department of Revenue of this Commonwealth

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to the Federal Government subject however to any corrections thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That deductions shall be allowed from net income on account of any taxes paid to the Government of the United States

2 In case the entire business of any corporation is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's property wherever situated

(2) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditure of the corporation for wages salaries commissions and other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth and sales otherwise determined to be attributable to the business conducted on such premises and (2) rentals or royalties from property situated or from the use of patents within this Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts from sales attributed by the corporation to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth 3 "Net income" in the case of insurance corporations shall be ascertained in the manner provided by the laws of the United States for the taxation of the net income of insurance corporations

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth a State excise tax at the rate of eight per centum per annum upon each dollar of net income of such corporation Such tax shall first be levied collected and paid upon all net income received by and accruing to such corporation on and after the first day of January one thousand nine hundred and thirty-five

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to

pay tax under this act on or before the fifteenth day of April one thousand nine hundred and thirty-six and on or before the fifteenth day of April one thousand nine hundred and thirty-seven to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of this return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation at the time of making the report required herein shall pay to the department not less than one-half of the tax due to the Commonwealth by it for the preceding year and the remaining one-half of such tax shall be paid on or before the fifteenth day of May succeeding The amount of all taxes imposed under the provisions of this act not paid on or before the time as above provided shall bear interest at the rate of twelve per centum per annum from the date they are due and payable until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court if such payment is accompanied by a protest that the whole or any part of such payment is not justly or legally due If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it or assigned to any other person or corporation for use in the payment of any obligation to the Commonwealth

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation shall certify to the department that its fiscal year does not close upon the thirty-first day of December but upon some other date and that it reports to the Federal Government as of such other date or that it would so report were it to make a return to the Federal Government then such corporation shall be permitted to make the report herein required within sixty (60) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 5 Consolidated Reports The Department shall upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income and further any corporation shall be permitted to include in a consolidated report any other corporation or corporations subject to the provisions of this act the properties of which are all or substantially all controlled by it through leasing arrangements or otherwise

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to the payment from the due dates fixed by this act at the rate of six per centum

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally charged or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make report under oath or affirmation to the department of such finally changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars ($5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any deduction made from the amount of the net income of any corporation upon which tax is imposed by this act the Board of Finance and Revenue shall have the power and its duty shall be to hear and determine any petition for the refund of taxes alleged to have been overpaid and upon the allowance of such petition to refund such taxes out of any appropriation made for the purpose or to credit the account of the corporation entitled to such refund All such petitions must be filed with the board within two (2) years of the date of such change or correction Any person aggrieved by the action of the Board of Finance and Revenue in the determination of any petition for the refund of taxes alleged to have been overpaid may within sixty days appeal to the court of common pleas of Dauphin County from the decision of the board in the manner provided by law for appeals in the case of tax settlements

Section 8 Determination and Redetermination of Tax Penalties and Interestt Due (a) If within a period of two years after the filing of the report the department is not satisfied with the report and payment of tax made by any corporation under the provisions of this act or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act it is hereby authorized and empowered to make a determination of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such corporation Within thirty (30) days after the date of any such determination such corporation may file with the department a petition for redeterimnation of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The department shall within ninety (90) days after the date of any determination dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the corporation against which such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such

form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The Board of Finance and Revenue shall dispose of such petition filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioners

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and determine the amount due by it for taxes penalties and interest thereon as prescribed herein subject to the right of redetermination and appeal as in this section provided

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act The Department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and assess the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized. Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of two (2) years such record or records of its business within this Commonwealth and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully and corruptly make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report and to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 All taxes and penalties received and collected under the provisions of this act shall be paid into the State Treasury and those imposed for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in one thousand nine hundred and thirty-five and collectible in the year one thousand nine hundred and thirty-six shall be used only for unemployment relief purposes and for such purposes are hereby appropriatted All other taxes and penalties received and collected under the provisions of this act shall be credited to the General Fund

Section 13 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 14 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven on the net income of the previous two calendar or fiscal years

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which Senate Bill No. 726 (House Bill No. 1192), was ordered to be transcribed for a third reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree that the bill be transcribed for third reading?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was agreed to on second reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 900, entitled:

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 946, on third reading, entitled:

An Act relating to the buying, selling and transportation of live and dressed poultry; requiring poultry dealers to be licensed; requiring records of sales and purchases of poultry to be kept; imposing duties and liabilities on poultry dealers, poultry producers and other persons buying and selling poultry, and on county farm agents and the Department of Agriculture; and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 990 (House Bill No. 1631), as follows:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Gift Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise or organization owned by or with which is affiliated two or more persons or members

"Corporations" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Donee" Any person to whom a gift is made

"Donor" Any natural person making a gift

"Department" The Department of Revenue of this Commonwealth

"Gift" Any property real or personal tangible or intangible or any interest therein or income derived therefrom in trust or otherwise voluntarily granted or transferred either directly or indirectly by any device whatever without consideration or for less than a full and adequate consideration by any donor Provided That in the case of any donor a resident of this Commonwealth the word "gift" shall not include any real or tangible personal property permanently located outside of this Commonwealth and in the case of a donor not a resident of this Commonwealth the word "gift" shall only include such property as is situated within this Commonwealth and subject to its taxing power and Provided further That the word "gift" shall not include property transferred money service or anything of value paid furnished or delivered by any person to or for any member of his immediate family reasonably necessary for current maintenance support and education

"Person" Every natural persons association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 A State excise tax payable by the donor if he is a resident or by the donee if the donor is a nonresident is hereby imposed with respect to any gift in excess of two thousand dollars ($2,000) at following rates

(a) Two percentum upon the clear value of any such gift made to the donor's father mother husband wife children lineal descendants born in lawful wedlock by any adopted children children of a former husband or wife or the wife or widow of the son of the donor and also upon the clear value of any gift made by the mother of an illegitimate child or by any person of whom the mother is a lineal descendant to such child his wife or widow and by any illegitimate child to his mother

(b) Ten per centum upon the clear value of any gift made to any persons other than those set forth in subsection (a) of this section or to any body politic

Section 4 (a) If a gift is made in property of any nature whatsoever the clear market value thereof at the date of gift shall be considered the taxable value of the gift Provided That when any such property is sold or exchanged for less than a fair consideration in money or money's worth then the amount by which the clear market value of the property exceeded the consideration received shall for the purposes of this act be deemed a gift and shall be included in computing the amount of gifts

(b) The clear value of all gifts made during the year

to the same donee by the same donor within the same calendar year shall be added together and the aggregate of such amounts shall be considered as one gift for the purposes of taxation under this act and the rates of tax prescribed in this act shall be applied to such aggregate of such amounts

Section 5 Nothing in this act is intended or shall in any wise be considered so that the provisions hereof shall conflict with or modify in any respect the provisions of the Transfer Inheritance or Estate Tax Law

Section 6 Any voluntary gift made by any person to any corporation association trust community chest fund or foundation organized exclusively for charitable religious or educational purposes no part of the income of which inures to the benefit of any private shareholder member or individual shall not be considered a gift taxable under the provisions of this act

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year Such report shall contain such information as the department may require

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such person may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the period covered by such estimated assessment or any other matter of defense whatsoever if a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment.

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to the date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident if such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior to the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the courts of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and thirty (30) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the

date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 18 Except as otherwise provided by the Constitution all taxes interest and penalties that shall be received recovered paid or collected under the provisions of this act before June first one thousand nine hundred and thirty-six shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes interest and penalties paid into the treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which Senate Bill No. 990 (House Bill No. 1631), was ordered to be transcribed for third reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree that the bill be transcribed for third reading?

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was agreed to on second reading.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. CLARK. Mr. President, I move that Senate Bill No. 1049 on third reading, entitled:

An Act to amend clauses (i) and (l) of section two, and section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," as amended; further defining distilleries and wineries; and providing for the licensure and rights of manufacturers of unfortified wine.

be recommitted to the Committee on Law and Order.

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. ZIESENHEIM. Mr. President, I desire to interrogate the Senator from Chester, Mr. Clark.

The PRESIDENT. Will the Senator from Chester, Mr. Clark, permit himself to be interrogated.

Mr. CLARK. Mr. Preident, I will.

Mr. ZIESENHEIM. Mr. President, I wish to ask the Senator from Chester, Mr. Clark, whether he will consent to have this bill go over in its order.

Mr. CLARK. Mr. President, I made the motion that it be recommitted to the Committee on Law and Order, and I insist upon the motion.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, seventeen Senators voted in the affirmative and twenty-eight in the negative.

Whereupon the question was decided in the negative.

BILL OVER IN ORDER

Mr. ZIESENHEIM. Mr. Prsident, I ask unanimous consent that Senate Bill No. 1049 go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1070 (House Bill No. 1641), entitled:

An Act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. PRINCE. Mr. President, I ask unanimous consent to amend title, page 1, line 6 of title, by striking out the word "products" and inserting in lieu thereof: "produce;" amend Section 2, page 3, line 7, by striking out the word "products" and inserting in lieu thereof: "produce;" amend Section 6, page 4, line 21, by striking out the word "products" and inserting in lieu thereof: "produce;" amend Section 6, page 4, line 23, by striking out the part-word "prod-;" amend Section 6, page 4, line 24, by striking out the part-word "ucts" and inserting in lieu thereof: "produce;" amend Section 6, page 4, line 29, by striking out the word "products" and inserting in lieu thereof: "produce;" amend Section 9, page 6, line 15, by striking out the word "Make" and inserting in lieu thereof: "Made;" amend Section 9, page 6, line 28, by striking out the word "goods" and inserting in lieu thereof: "farm produce;" amend Section 13, page 8, line 14, by striking out "contray" and inserting in lieu thereof: "contrary."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS RECOMMITTED

Mr. GRAFF. Mr. President, I move that Senate Bill No. 1070 (House Bill No. 1641), be recommitted to the Committee on Agriculture.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 1162, on third reading, entitled:

A Joint Resolution proposing an amendment to section eight, article four and to add an additional section to article ten of the Constitution of Pennsylvania

be recommitted to the Committee on Constitutional Changes.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1185 (House Bill No. 1826), entitled:

An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hdndred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honey-bees

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. HARRIS. Mr. President, I desire to be enlightened on this bill. I notice the title says it is for the purpose of controlling and suppressing diseases to honey-bees. Now, my experience with honey-bees has been such that I would like to suppress the honey-bees and not the diseases of them, and I would like to know if there are any farmers here who can enlighten me on the merits of this bill. I know that the Senator from Philadelphia, Mr. Shapiro, lives in the city but spends his money on the farm, and I would like to inquire seriously as to this bill, and therefore would like the gentleman who knows everything about all bills to enlighten me on this one.

Mr. SHAPIRO. Mr. President, I am not a honey, but I suggest that if the Senator from Allegheny, Mr. Harris, buzzes around a bit he will find out something about this bill.

Mr. HARRIS. Mr. President, this is the only bill about which the Senator from Philadelphia, Mr. Shapiro, confesses ignorance. I would like to be enlightened on this bill by somebody from the rural districts, because I really, seriously, am loathe to vote on a bill to appropriate money for controlling and suppressing diseases of the honey-bee. I do not know, in these times when money means so much to the State, whether or not we should appropriate money for this purpose.

Mr. PRESIDENT, I ask unanimous consent that Senate Bill No. 1185 (House Bill No. 1826) go over in its order.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, the Senator from Allegheny, Mr. Harris, seems to be satisfied that honey-bees ought to be suppressed. Now, in order that he may be enlightened as to the purpose of this bill, it seems to me that this bill—since we cannot suppress the honey bee; it would be pretty difficult—this bill, I think, contemplates suppressing the diseases of the honey-bees so that when they sting they will leave no germs in the sting.

Mr. HARRIS. Mr. President, with the very lucid explanation of the Senator from Fayette, Mr. Cavalcante, I withdraw any objection I may have had to the bill.

Mr. SHAPIRO. Mr. President, I desire to explain my vote. I am going to vote "no" on this bill because, after having listened to the Senator from Fayette, Mr. Cavalcante, and knowing the proclivity of the Senator from Allegheny, Mr. Harris, and his interest in this bill, I will object to the infected sting being taken from the honey-bee; and for that reason I shall vote against the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and neys were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Salus,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law	(Dauphin)	(Westmoreland
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Woodward,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1218 (House Bill No. 2324), entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and neys were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed	Thompson
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—2

Miller, Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1246, entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto and imposing no municipal liability existing or created at the time of the original acquisition of such water-works by the issue of refunding bonds secured solely by liens and imposing no municipal liability

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and neys were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Salus,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1289, entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Salus,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence,

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 39, entitled:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes farm labor and newspaper boys. by regulating, under the police power of the Commonwealth, the minimum wage which shall be paid to such women and minors, providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health, safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General, the Department of Labor and Industry, and the Secretary of Labor and Industry; imposing certain duties on employers; and requiring certain records to be kept and information to be furnished by them; prohibiting contracts for, and payment of, less than the minimum wage standards; and providing penalties.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania ni General Assembly met and it is hereby enacted by the authority of the same That the following terms shall be construed to have the following meaning except in those instances where the context clearly indicates otherwise

(a) "Secretary" shall mean the Secretary of Labor and Industry

(b) "Wage board" shall mean a board created as provided in section five of the act

(c) "Women" shall mean females of twenty-one years or over

(d) "Minor" shall mean a person of either sex under the age of twenty-one years

(e) "Occupation" shall mean an industry trade business or branch thereof or class of work therein in which women or minors are gainfully employed as enumerated classified and tabulated by the Department of Labor and Industry but shall not include domestic service in private homes or labor on a farm or newspaper boys lawfully engaged in the business of buying and selling exposing or offering for sale any newspaper magazine periodical or other publication

(f) "An oppressive an unreasonable wage" shall mean a wage which is bith less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health

(g) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered In establishing a minimum fair wage for any service or class of service under this act a wage board shall take into account all relevant circumstances affecting the value of the service or class of service rendered and be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid and may consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

(h) "A mandatory order" shall mean an order the violation of which shall be subject to the penalties prescribed in section fifteen (b) of this act

(i) "The court" shall mean any court of common pleas of the Commonwealth having appropriate jurisdiction as provided in section four of this act

(j) "Employer" shall refer equally to a corporation partnership or other legal entity as well as to an individual

On the question,

Will the Senate agree to the section?

Mr. REED (Dauphin). Mr. President, with the consent of the sponsor of the bill, I move to amend section 1, page 2, lines 20, 21, 22 and 23, by striking out the words "or newspaper boys lawfully engaged in the business of buying and selling, exposing or offering for sale, any newspapers, magazine, periodical or other publication"

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 It is hereby declared to be against the public policy of the Commonwealth for any employer to empeloy a woman or a minor in any occupation in this Commonwealth at an oppressive and unreasondable wage Any contract agreement or understanding for or in relation to such employment at an oppressive and unreasonable wage shall be null and void

The third section of the bill was read as follows:

Section 3 The Department of Labor and Industry is required to keep complete and accurate records of all employers in occupations as defined in section one clause (e) of this act and to classify the same in such manner as will best effect the purposes of this act and the secretary shall have full power and authority

(a) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(b) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of examining and inspecting records required to be kept under this act and for the purpose of ascertaining whether the orders of the secretary have been and are being complied with and

(c) To require from such employer full and correct statements in writing of the wages paid to all women and minors in his employment

On the question,

Will the Senate agree to the section?

Mr. REED (Dauphin). Mr. President, I move to amend section 3, page 4, line 19, by striking out the word "the" where it first appears in said line; also line 19, by striking out the word "secretary" and inserting in lieu thereof "courts"

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections of the bill were read as follows and agreed to:

Section 4 The secretary shall have the power and it shall be his duty on the petition of fifty or more qualified voters of the Commonwealth to cause an investigation to be made of the wages being paid to women or minors in any occupation to ascertain whether any substantial

number of women or minors in such occupation are receiving oppressive and unreasonable wages If on the basis of information in the possession of the secretary with or without a special investigation the secretary is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages he shall petition the court of common pleas of the county where the persons alleged to be receiving oppressive and unreasonable wages are employed setting forth the facts and asking the court to appoint a wage board to report upon the establishment of minimum fair wage rates for such women or minors in such occupation or occupations

Section 5 (a) A wage board shall be composed of a representative of the employers in such occupation a representative of the employes in such occupation and a disinterested person representing the Commonwealth one of whom shall be designated as chairman shall be forthwith appointed by the court Members of a wage board shall be citizens of Pennsylvania The representatives of the employers and employes shall be selected by the court so far as practicable from nominations submitted by employers and employes in such occupation Two-thirds of the members of such wage board shall constitute a quorum and the report of such wage board shall require a vote of two members with the right of a dissenting member to file a minority report Members of a wage board shall receive such compensation as the court shall direct not exceeding five dollars per day for every day that testimony is actually taken and in addition shall be reimbursed for all necessary traveling expenses from moneys appropriated for such purposes by the Commonwealth The wage board shall appoint a competent stenographer approved by the court who shall transcribe all testimony and who shall receive such compensation as may be approved by the court not however exceeding the compensation customarily allowed court stenographers acting under the jurisdiction of the said court

(b) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence relative to any matters under investigation Such subpoenas shall be signed and issued by the chairman of the wage board and shall be served and have the same effect as if issued out of the court A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for depositions in civil actions in the courts of common pleas

(c) The secretary shall furnish to a wage board a complete list of the names and addresses of all employers of women and minors of the occupation complained of and the wage board shall take no testimony until all employers whose names and addresses have been so furnished shall have had at least five days' notice by registered letter of the time and place of meeting of the wage board but a failure to properly designate the employer shall have not avoid the legality of the notice provided a correct address is given and the notice is actually received by the employer or his officer or agent The secretary shall cause to be brought before the committee any witnesses whom he deems material A wage board may summon other witnesses or call upon the secretary to furnish additional information to aid it in its deliberations

All witnesses subpoenaed by the wage board shall be entitled to the fees and mileage fixed by law in civil cases which shall be paid from appropriations made for such purposes In case of failure on the part of any person to comply with any subpoena of the wage board or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board it shall be the duty of the court on the application of two members of the wage board to compel obedience in the same manner that such obedience would be compelled by contempt proceedings or otherwise in a proceeding pending before said court

(d) Within sixty days of its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate If its report is not submitted within such time the court may on application to it compel its final report within a fixed time thereafter not exceeding thirty days or constitute a new wage board and direct all testimony papers and other records to be turned over to the new board and testimony theretofore taken shall be considered in evidence by the new board

(e) A wage board may recommend minimum fair wage rates varying with localities if on the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(f) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations

Section 6 The report of a wage board shall be filed with the court and within ten days thereafter any party in interest may file exceptions thereto If exceptions are filed by any party in interest the court shal lfix a day for argument to be held within ten days of the filing of such exceptions The court shall review the report of the wage board and may in its discretion review the testimony and after argument where exceptions are filed shall approve modify or disapprove the report as in its judgment is deemed fair and equitable The court may resubmit the matter to the same wage board or to a new wage board by it appointed with a statement of the reasons for the resubmission When the court makes any final order on a wage board report it shall file all testimony and exhibits in the office of the prothonotary

Section 7 Whenever the court shall enter any order on the report of a wage board the court shall if no appeal has been taken or after an appeal has been finally adjudicated issue a mandatory order defining the minimum wages in the occupation as approved by the court The court may also include in its order such regulations as it deems appropriate to safeguard the minimum fair wage standards established and such order shall be effective and binding upon the employer affected by the proceeding

Section 8 If the secretary has reason to believe that any employer is not observing a mandatory order made by the court the secretary may on at least ten days' notice summon such employer to appear before the secretary to show cause why the same be not complied with After a hearing and a finding by the secretary of non-observance the secretary shall refer the proceeding to the Attorney General of the Commonwealth to proceed either by contempt proceedings or otherwise as in the opinion of the Attorney General will best fulfill the purposes of this act

Section 9 At any time after a mandatory order has been in effect for at least six months the secretary may on his own motion and after said order has been in effect at least one year he shall on petition of fifty or more qualified voters of the Commonwealth petition the court to reconsider the minimum fair wage rates set therein and to reconvene the same wage board or appoint a new wage board to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner prescribed in sections six and seven of this act

Section 10 From any report as finally approved by the court an appeal may be taken by any person aggrieved to the Supreme Court The Attorney General of the Commonwealth shall represent women and minors in prosecuting or defending such appeal if the secreatry shall request him so to do and such intervention in the opinion of the secretary is appropriate and necessary to safeguard the interest of women and minors Any such appeal shall be taken within thirty days after the order of the court is made and not thereafter In any such appeal the Supreme Court shall consider the entire record of the proceedings including all testimony and on its own independent judgment determine whether or not the findings made by a wage board as approved by the court below in its order are reasonable and proper The Supreme Court may remit any case back with directions to reform or amplify any findings of facts which it deems necessary

Section 11 Every employer of women and minor work-

ers shall keep a true and accurate record of the hours worked by each the wages paid by him t oeach and shall furnish to the secretary or a member of any wage board upon demand a sworn statement of the same Every employer subject to a mandatory order shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed Employers shall be furnished copies of orders by the secretary on request without charge

Section 12 (a) Any employer and his agent or any officer or agent of any employer who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this act or because such employer believes that said employe may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this act shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200)

(b) Any employer or his officer or agent who pays or agrees to pay to any woman or minor employe less that the rates applicable to such woman or minor employe less than the rates applicable to such woman or minor under a mandatory order made by the court shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200) or by imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment upon a first conviction and upon a subsequent conviction of violation of the same mandatory order a fine of not less than one hundred dollars nor more than two hundred dollars or by imprisonment of not less than thirty nor more than one hundred eighty days or by both such fine and imprisonment

(c) Any employer or his officer or agent who wilfully violates any other provisions of this act shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100)

Section 13 If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court Any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defense to such action At the request ofany woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the secretary in his discretion may take an assignment of such wage claim in trust for the assigning employe and may bring any legal action necessary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court which fee shall not be less than five per centum of the claim

Section 14 The Legislature shall from time to time make appropriations to the Department of Labor and Industry to pay the expenses of wage boards witness fees and mileage court costs compensation of assistants of wage boards postage telephone telegraph and other miscellaneous expenses and of the Department of Labor and of the Department of Justice

Section 15 If any provisions of this act or the application thereof to any person or circumstance is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 16 Anything herein required to be done by the secretary may be performed by an officer or employe of the Department of Labor and Industry deputized to so act and anything required of the Attorney General of the Commonwealth may be done by a deputy attorney general

Section 17 This act shall tale effect thirty days after its enactment into law

The title of the bill was read as follows:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes farm labor and newspaper boys by regulating under the police power of the Commonwealth the minimum wage which shall be paid to such women and minors providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General the Department of Labor and Industry and the Secretary of Labor and Industry imposing certain duties on employers and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

On the question,

Will the Senate agree to the title?

Mr. REED (Dauphin). Mr. President, I move to amend title, page 1, line 3 of title, by inserting after the word "homes" the following: "and"; also page 1, line 4 of title, by striking out the words "and newspaper boys"

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 150 (House Bill No. 147), on second reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

go over in its order.

Mr. President, the Senator from Monroe, Mr. Huffman, has advised me that he has numerous amendments to offer to this bill; and, due to the lateness of the hour, I have agreed that it might go over in its order. To the members of the Senate I will say, so that the Senate may understand, I believe the amendments are to be offered at the session tomorrow.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 236, as follows:

An Act to amend section three of the act approved the eighteenth day of April one thousand nine hundred and nineteen (Pamphlet Laws seventy) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check draft or order when such person has not sufficient funds in or credit with the depository upon

which the same is drawn" by providing for the admission in evidence of the protest of nonpayment of checks drafts and orders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the eighteenth day of April one thousand nine hundred and nineteen (Pamphlet Laws seventy) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn" is hereby amended to read as follows

Section 3 In any prosecution under this act the making or drawing or uttering or delivering of a check draft or order payment of which is refused by the drawee because of lack of funds or credit shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank banking institution trust company or other depository unless such maker or drawer shall have paid the drawee thereof the amount due thereon together with interest and protest fees within ten days after receiving notice that such check draft or order has not been paid to the drawee and in any such prosecution the notice of protest of nonpayment of such check draft or order because of insufficient funds or no funds shall be admissible as proof and shall be prima facie evidence of lack of funds or credit with such bank banking institution trust company or other depository

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 420 (House Bill No. 181), as follows:

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line

Section 1 Be it enacted by the Senate and House fo Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" which was last amended by section two of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nineteen) is hereby further amended to read as follows

Section 220 Resident Fishing License Fees For the purposes of this article every person sixteen years of age and upward upon application to any county treasurer within the Commonwealth or to the Department of Revenue and the presentation of proof that he has been a bona fide resident o fthis Commonwealth for a period of thirty days preceding his application and was born in the United States or was fully naturalized under the laws of the United States shall upon the payment to the county treasurer or the Department of Revenue of a license fee of one dollar and fifty cents for the use of the Commonwealth and in the event that the license is issued by a county treasurer a fee of ten cents for the use of the county treasurer be entitled to the license herein referred to as "a resident fishing license"

Upon the making of an application by any person to the department or county treasurer for a specila license to catch eels by the use and operation of eel chutes and the payment of a fee of one dollar for the use of the Commonwealth and ten cents for the use of the county treasurer where application is made to him such person shall be entitled to a special eel chute license and a special metal tag which shall give him the right to use and operate an eel chute in the Susquehanna River below the boundary line of the city of Pittston and the Duryea borough line on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 457, as follows:

An Act providing that any order of the juvenile court of any county of the second class or action of any of its probation officers touching the custody of any child under the jurisdiction of said court calculated to effect the liability of said county for the support or maintenance of said child shall in order to affect the county's liability for the same be certified or reported by the clerk chief probation officer or such other person as said court shall designate to the county commissioners of such county with full details within five days after said order is made or action taken and repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority o fthe same That whenever any judge of the juvenile court of any county of the second class within this Commonwealth or any probation officer thereof shall make any order or take any action affecting the custody of any child under the jurisdiction of said court calculated to initiate increase decrease or terminate the liability of such county for the support or maintenance of such child or changing the person or institution to which the county becomes is or ceases to be liable therefor such order or action shall not be effective to affect the county's liability for such support or maintenance unless within five days after such order is made or action taken a copy of said order or report of said action giving full details of the name of the child whose custody support and maintenance is involved and the names and addresses of all persons and institutions the county's liability to whom is thereby sought to be changed be certified to the county commissioners of such county by the clerk of said court the chief probation officer thereof or such other persons as such court shall designate

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 594 (House Bill No. 1128), on second reading, entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the

payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 628, as follows:

An Act permitting courts of this Commonwealth which granted support or alimony to wives in divorce proceedings under the provisions of clause three section one of the act approved the eighth day of May one thousand eight hundred and fifty-four (Pamphlet Laws six hundred forty-four) entitled "A further supplement to the act entitled 'An act concerning Divorces'" as amended to revoke annul or amend such order after investigation

Whereas, Clause three section one of the act approved the eighth day of May one thousand eight hundred and fifty-four (Pamphlet Laws six hundred forty-four) entilted "A further supplement to the act entitled 'An act concerning Divorces'" as amended by the act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws three hundred eight) entilted "An act amending section three of an act entitled 'An act concerning Divorces' approved the eighth day of May one thousand eight hundred and fifty-four enlarging the same eo as to include indignities to the person of the husband" permitted the court granting a divorce on application of the husband because of cruel and barbarous treatment by the wife of said husband or indignities to his person as rendered his condition intolerable or life burdensome as rendered his condition intolerable or life burdensome to allow such support or alimony to the wife as her husband's circumstances admitted of or as the court deemed just and proper and

Whereas, The Legislature of this Commonwealth by the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws one hundred twenty-four) entitled "An act to further amend clause three section one of an act approved the eighth day of May one thousand eight hundred and fifty-four (Pamphlet Laws six hundred forty-four) entitled 'A further supplement to the act entitled "An act concerning Divorces"' as amended by taking awoy the right of support or alimony in certain cases" amended said clause by taking away such right to impose such order for support or alimony and

Whereas, The legislative intent was clear that the right to such support or alimony should no longer exist under the laws of this Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth in General Assembly met and it is hereby enacted by the authority of the same That whenever i nthis Commonwetalth such order exists for the payment of support or alimony after divorce under the provisions of said clause the court originally making such order may upon petition of the libellant in said action of divorce and after such notice and investigation as the court may prescribe revoke annul or amend such order as said court may deem just and proper having in consideration the legislative intent hereinbefore referred to

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 639, as follows:

An Act to amend section seventy-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" as amended to provide for the rendition by the jury of a separate verdict fixing the penalty of first degree murder cases and to regulate the admission of evidence bearing upon the question of the penalty to be imposed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seventy-five of the act approved the thirty-first day of March one thousand eigh hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" which was amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred fifty-nine) is hereby further amended to read as follows

Section 75 That every person convicted of the crime of murder of the first degree shall be sentenced to suffer death in the manner provided by law or to undergo imprisonment for life at the discretion of the jury trying the case which shall fix the penalty by (its) a separate verdict which shall be rendered by the jury after the rendition of its verdict convicting such person of murder of the first degree but before the jury shall be permitted to separate In all such cases it shall be lawful for the court to receive after the rendition and recording of a verdict of murder of the first degree such further and additional evidence offered by either the Commonwealth or the defendant and not admissible upon the question of guilt as may be relevant or material to the question of the penalty to be fixed by the jury as aforesaid The Court shall impose the sentence so fixed as in other cases I ncases of pleas of guilty the court where it determines the crime to be murder of the first degree shall at its discretion impose sentence of death or imprisonment for life It shall be the duty of the clerk of the court wherein such conviction takes place and he is hereby required within ten days after such sentence of death to transmit a full and complete record of the trial and conviction to the Governor of this Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 656, as follows:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (Pamphlet Laws two hundred one) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a stae reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the twelfth day of June one thousand eight hundred seventy-eight (Pamphlet Laws two hundred one) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" is hereby amended to read as follows

Section 7 The reporter shall have no pecuniary interest in such reports but the same shall be published under the supervision of the reporter by contract to be entered into by the reporter secretary of the commonwealth and

auditor general with the person or persons who in addition to furnishing the state librarian for library and exchange fifty copies of each volume shall agree to publish and sell the said reports on terms the most advantageous to the public and at the lowest price which contract shall be for a term of ten years and shall provide that the said reports shall be printed and published in this commonwealth and that every volume printed under such contract shall be stereotyped and the plates thereof preserved and be delivered to the secretary of the commonwealth as the property of the state within three years after the expiration of the contract and shall further provide that all volumes published under such contract shall be kept by the contractor at some convenient place within this commonwealth to be designated by the said secretary for sale at the contract price to all citizens of the commonwealth desiring the same during the term of his said contract and for five years thereafter

Section 2 That section eight of the said act is hereby amended to read as follows

Section 8 Before letting any contract as provided by this act the secretary of the commonwealth shall give notice of the time and place of awarding the contract by advertisement in the newspaper having the greatest circulation in each of the cities of Philadelphia and Pittsburgh once a week for six consecutive weeks immediately preceding the letting of such contract and shall receive sealed proposals or bids and shall award the contract to the lowest bidder who can give the security required by the ninth section of this act and who maintains his principal place of business in this commonwealth

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 657, entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the third and fourth paragraphs of section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (Pamphlet Laws two hundred twelve) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions and compensation of the judges and other officers and the practice and costs on appeals from its judgments" are hereby amended to read as follows

The reporter shall have no pecuniary interest in such reports but the same shall be published under the supervision of the reporter by contract to be entered into by the reporter Secretary of the Commonwealth and Auditor General with the person or persons who in addition to furnishing the State Librarian for library and exchange fifty copies of each volume shall agree to publish and sell the said reports on terms most advantageous to the public and at the lowest price which contract shall be for a term of ten years and shall provide that the said reports shall be printed and published in this commonwealth and that every volume printed under such contract shall be stereotyped and the plates thereof preserved and be delivered to the Secretary of the Commonwalth as the property of the State within three years after the expiration of the contract and shall provide that all volumes published under such conract shall be kept by the contractor at some convenient place within this Commonwealth to be designated by the said Secretary for the sale at the contract price to all citizens of the Commonwealth desiring the same during the term of his said contract and for five years thereafter

Before letting any contract as provided by this act the Secretary of the Commonwealth shall give notice of the time and place of awarding the contract by advertising in the newspaper having the greatest circulation in each of the cities of Philadelphia and Pittsburgh once a week for six consecutive weeks immediately preceding the letting of such contract and shall receive sealed proposals or bids and shall award the contract to the lowest bidder who can give the security required by the following clause of this act and who maintains his principal place of business in this Commonwealth

On the question,

Will the Senate agree to the section?

Mr. STAUDENMEIER. Mr. President, I move to amend Section 1, page 2, line 28, by striking out the entire said line; also page 2, line 29, by inserting after the word "the" at the end of said line, the following: "sale at the contract price to all citizens of the Com-"

Mr. CHAPMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 663 (House Bill No. 1127) on second reading, entitled:

An Act to further amend section twenty-three of the act approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies, and water companies, and steam heating companies, and to gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax; and increasing the rate of tax imposed by the act and exempting street passenger railway companies and traction companies.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 717 (House Bill No. 838) on second reading, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations; imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships and companies heretofore exempt; and increasing the rate of tax on the capital stock of fire and marine insurance companies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS. Mr. President, I ask unanimous consent that Senate Bill No. 759 (House Bill No. 371) on second reading, entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 788 (House Bill No. 676), entitled:

An Act to amend sections one and two of the act approved the fifth day of May, one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances, and with the approval of the Governor, to construct, improve or repair, at the expense of the Commonwealth, portions of roads or highways connecting roads or highways lying within areas of State forest lands with State, county or township roads or highways near such areas;" extending the provisions of said act to forest protection roads and fire lanes on private property.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 895, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate

be recommitted to the Committee on Banking.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1006, as follows:

An Act to amend sections four hundred and twenty-three and five hundred and seventy-one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning township of the second class and amending revising consolidating and changing the law relating thereto" providing for the collection of county township and school taxes by the county commissioners in certain cases conferring power on school districts and townships with respect to the collection of their taxes and providing that the bonds of township tax collectors shall be fidelity bonds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That sections four hundred and twenty-three and five hundred and seventy-one of the act approved the first dav of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 423 Tax Collector If the electors of any township of the second class shall fail to choose a tax collector or if any person elected to such office shall fail to give the required bond [and] or shall fail to take the required oath or if a vacancy shall occur in the office by death resignation or otherwise the county commissioners in either event upon presentation of a petition of any citizen who is a resident of the township setting forth the facts or upon their own initiative shall appoint a resident of the township to fill the vacancy for the unexpired term of the person whose place he is appointed to fill or a corporation duly qualified and legally authorized to transact a fiduciary business in the Commonwealth of Pennsylvania and whose principal place of business is located in the county where said townshpi is located

If a corporation be so appointed it shall give such bond as the county commissioners may fix to be approved by the court of quarter sessions

In cases when the person elected to the office shall fail to [quality] give bond or to take the required oath the county commissioners before making the appointment shall declare the office vacant

Whenever a vacancy exists in the office of tax collector and no person resident within the township can be found within thirty days to accept the appointment to fill such vacancy the county commissioners may appoint the county treasurer as tax collector

Where the county treasurer is so appointed he shall have authority to appoint a deputy to assist in the collection of the taxes set forth in the duplicates delivered to him The county treasurer shall be entitled to retain for his own us so much of the commissions payable for the collection of said taxes [and] as may be required for the payment of his deputy and the premiu mon his bond and shall not be required to pay the same over to the county but any commissions over and above such costs shall belong to the county to reimburse the county for office rent light heat telephone service compensation insurance supplies postage and equipment The salary board of the county and where there is no salary board then the county commissioners shall fix the compensation of any deputy appointed

If the county treasurer so appointed shall refuse to accept the appointment the county commissioners may appoint any suitable resident of the county to perform the duties of tax collector for the unexpired term and if no such person can be found within the county to accept appointment as tax collector for the township the county commissioners shall retain the duplicate of the county tax and notify the township and school district to deliver their respective duplicates to the county commissioners unless the township or school district desires to collect their respectives taxes directly through their respective treasurers as tax collectors or through collectors appointed by them which they shall have authority to do No such township or school treasurer shall be required to give additional bond but shall have all the powers and perform all the duties herein imposed on tax collectors The county commissioners shall in any such case have the power to collect the taxes for the county and for any township and school district and shall perform all the duties and have all the powers of tax collectors and shall have power to appoint a deputy as herein provided where the county treasurer is appointed as tax collector and to fix his compensation Taxes collected by the commissioners shall be paid over to the county treasurer who shall pay to the township or school district any taxes received for their use less such amount as is allowed as a commission for the collection of taxes which shall be retained for the use of the county in order to reimburse the county for the costs and expenses incurred by the county in collecting such taxes The county commissioners shall not be required to give any bond for the duties herein imposed nor shall they receive any compensation for collecting such taxes The county commissioners shall where they collect taxes as herein provided have all the powers and perform all the duties vested in collectors of county township and school taxes

Section 571 Oath and Bond The collector of taxes of townships shall before he enters upon the duties of his office take and subscribe an oath of office and file the same in the office of the court of quarter sessions and shall annually enter into a fidelity bond to the Commonwealth in not more than the amount of taxes charged and assessed in the duplicates with at least two sufficient sureties or one bonding company The bon dshall be approved by the court of quarter sessions and shall be filed in the office of the clerk of said court The condition of the bond shall be that the collector shall well and truly pay over [or] all taxes received and collected and account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him by paying over the tax penalties and interest collected less commissions by showing exonerations by filing schedules of unpaid occupation pol land per capita taxes and by making return of unpaid taxes on real estate in accordance with existing law or filing schedules with the taxing authority showing unpaid taxes on real estate and personal property in order to enter liens therefor in the personal property in order to enter liens therfor in the office of the prothonotary Upon so truthfully accounting for all of the taxes charged in the duplicates the bond of the tax collector shall be discharged This bond does not cover the collection and payment over of school taxes Where the county treasurer is appointed as tax collector if the condition of this bond as county treasurer does not secure the payment over and accounting of moneys other than county moneys the county commissioners shall fix the amount of the special bond to be given by the county treasurer for payment over and accounting of other than county taxes

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1140, as follows:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by limiting the time within which applications therefor may be made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever hereafter any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into a county treasury directly or indirectly any tax or taxes on real or personal property under an assumption that such taxes were due and owing when in fact such taxes or a part thereof were not due and owing to the county then in such cases the county commissioners upon due proof of any such erroneous or inadvertent tax payments are herebyauthorized to draw their warrant on the county treasurer in favor of such person or corporation to make refund of such tax or taxes to which the county has no valid claim out of the county funds Provided That application for such refund was made within a period of two years after such payment into the county treasury was made

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 1169 (House Bill No. 1473), on second reading, entitled:

An Act imposing a graduated income tax for unemployment relief and school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and

departments imposing penalties and appropriating the revenues derived from said tax

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1184 (House Bill No. 1221), entitled:

An Act to amend a part of section one of the act approved the twelfth day of May, one thousand nine hundred and eleven (P. L. 301), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 1215 (House Bill No. 2222), entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

be recommitted to the Committee on Education.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1232, as folows:

An Act to amend section seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended by the act approved the twelfth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-nine) is hereby further amended to read as follows

Section 7 Fixtures First As against a subsequent purchaser subsequent mortgage or other subsequent encumbrancer of the realty for value and without notice of the reservation of property in the goods such reservation shall be void as to any gods so attached to the realty as to form a part thereof unless the conditional sale contract or a copy thereof shall be filed as required in section six before such purchase is made ar such mortgage is given or such encumbrance is effected "Subsequent" as used in this paragraph refers to the time of attaching the goods to the realty

Second As against an owner a prior mortgagee or other prior encumbrancer of the realty who has not assented to the reservation of property in the goods if any of the goods are so attached to the realy as not to be severable without material injury to th efreehold the reservation of property in the goods so attached shall be void notwithstanding the filing of the contract or a co thereof unless such injury although material be such as can be completelv repaired and the seller before retaking such goods furnishes or tenders to such owner prior mortgagee or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs "Prior" as used in this paragraph refers to the time of attaching the chattels to the realty

Third In order to entitle the conditional sale contract or copy thereof referred to in this section to be filed and indexed it shall have endorsed thereof or attached thereto a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto

Fourth Goods to be affixed to realty shall not become a part of the said realty or of the freehold to which they are attached or are to be attached but shall be treated as severable and subject to removal as against the conditional vendee his heirs executors administrator successors and assigns and also as against any other persons having any interest in or liens against such real property or chattels real until the unpaid balance due under the said conditional sale contract has been paid if prior to the said affixing or attaching of the goods to the realty the conditional sale contract or a copy thereof together with a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto shall have been filed in the office of the prothonotary for eh couny in which the said realty is situate Provided however if a prior owner or encumbrancer of the said realty shall demand a bond to protect him against loss to be caused by the removal of the said goods conditionally sold the conditional seller or his successor in interest shall deliver to the said prior owner or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs said bond to be in a sum equal to the cost of making the said repairs before commencing the detachment or removal of the said goods If the amount of the bond cannot be agreed upon by the parties upon petition by any party at interest the amount shall be fixed by the common pleas court of the county where the conditional sale contract is filed at the sum necessary to repair the damage caused to the physical structure by the removal of the goods conditionally sold

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1234, as follows:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the auhority of the same That it is unlawful to tattoo any person under the age of twenty-one years without the consent of both the parents of such minor if living or of one parent if only one is living or of the legal guardian thereof if such minor is under the care of a guardian

Section 2 Any person violating the provisions of this act shall upon conviction thereof in a summary proceed-

ing before any alderman or justice of the peace be sentenced to pay a fine of not over one hundred dollars or to undergo an imprisonment of not more than three months or both

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1296, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school disrict (except school district of the first class) and poor district taxes" by providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six and twenty per centum on the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight an dthe final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine (And provided [further] That the respective current taxes for the years during such installment periods shall be piad before they become delinquent Provided further That where any tax for the year one thousand nine hundred and thirty-five became delinquent prior to the effective date of the act to which this is an amendment or becomes delinquent at any time within thirty days after the effective date of the act to which this is an amendment such tax and any penalties due thereon shall be paid at any time on or before August first one thousand nine hundred and thirty-five in order to receive the benefits of this act

If any taxpayer availing himself of the provisions of this act shall fail to pay any installment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid installment or installments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years and receive the benefit of this act

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 1, page 1, line 4, by inserting after the word "the" where it first appears in said line, the following: "title and the": also page 2, line 2, by striking out the word "is" and insert in lieu thereof "are"; also line 3, by inserting after the word "amended" the following: "and reenacted"; also page 2, by inserting after line 3, the following: "An act [authorizing the abatement of] Abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes."

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act

On the question,

Will the Senate agree to the title?

Mr. HUFFMAN. Mr. President, I move to amend title, page 1, line 1 of title, by inserting after the word "the" where it first appears in said line, the following: "title and to reenact and amend the"; also page 1, line 7 of title, by inserting after the word "by" the following: "correcting the title and"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 815

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives. which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 815, entitled:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," requiring certain qualifications for the Adjutant General, and establishing a board for the determination and payment of minor damages caused by the National Guard.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 817

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 817 entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

MOTION TO READ BILL THE FIRST TIME

Mr. GELDER. Mr. President, I move that the bill reported from committee at today's session be read the first time.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 484 entitled:

An Act to amend section seven of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough, or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchases, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," as amended; further regulating the construction of voting machines.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow at 12 o'clock noon.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:37 P. M. until Tuesday, May 14, 1935, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

MONDAY, May 13, 1935

The House met at 9.00 p. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Marshall L. Shepard, a member of the House, offered the following prayer:

O Lord, our God, how excellent is Thy name in all the earth. We approach the throne of grace tonight with grateful hearts because Thou hast permitted us to return to this place of service with a reasonable portion of health and strength. We pray Thee that in the work of this House we may have the leadership of Thy spirit, that in all things we may seek Thy grace, that Thy kingdom may come and Thy will be done.

Bless the Governor of this Commonwealth, the Speaker of this House, and all the members and officers according to their several needs. In His name and for his sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, May 8, 1935.

The Clerk proceeded to read the Journal of Wednesday, May 8, 1933, when, on motion of Mr. Schwab the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

CHIROPRACTORS

A Resolution from the Thirteenth Ward Democratic Club, Pittsburgh, favoring passage of House Bill No. 494.

Referred to the Committee on Public Health and Sanitation.

CITY OF METROPOLITAN PITTSBURGH

A resolution from the League of Boroughs, Townships and Cities of the Third Class of Allegheny County favoring passage of Senate Bill No. 718.

Referred to the Committee on Cities.

BLUE LAWS

A petition from citizens of Castle Shannon, protesting passage of anti-sabboth legislation.

Referred to the Committee on Law and Order.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION NO. 143

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, May 8, 1935

Resolved (if the Senate concur), that House Resolution No. 143, Serial No. 198, be recalled from the Governor for further consideration.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 7, 1935

Resolved (if the Senate concur), That House Bill No. 1365, Printer's No. 611, entitled "An act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-two seventy-one) entitled 'An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes as erection and equipment of the building and buildings necessary therefor making appropriation for such purposes as erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers' Orphans Schools' extending the time for the discharge of children from said school," be recalled from the Governor for the purpose of amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary of the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE RESOLUTION NO. 143

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 9, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Resolution No. 143, Serial No. 198, for further consideration.

Accordingly, the original resolution is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. RUTH. Mr. Speaker, I move that the vote by which this resolution was adopted be reconsidered.

On the question

Will the House agree to the motion?

Mr. ANDREWS. Mr. Speaker, I desire to know, Mr. Speaker, for what purpose the gentleman from Berks desires the reconsideration.

Mr. RUTH. Mr. Speaker, I have moved to reconsider the vote so that we may get the resolution before the House for action.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

RESOLUTION LAID ON TABLE

Mr. RUTH. Mr. Speaker, I move that this resolution be now laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 885

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 885, Printer's No. 273, entitled, "An Act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand thirteen) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three days to elapse between the application for and the issuance of the license."

GEORGE H.EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 195, 247, 852, 927, 1093, 1476, 1699, 1806 AND 1807

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 195, Printer's No. 50, entitled, "An Act to further amend section seven hundred four of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto' prohibiting the use of dogs in hunting bear or the chasing of bear by dogs."

House Bill No. 247, Printer's No. 579, entitled, "An Act to amend section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth

classes and revising amending and consolidating the laws relating thereto' giving courts discretion with respect to certain surcharges against county commissioners."

House Bill No. 852, Printer's No. 107, entitled, "An Act to amend section ninety-eight of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and boundary lakes and boundary rivers of the Commonwealth' prohibiting the purchase sale and exposing for sale of certain pike and fillets thereof."

House Bill No. 927, Printer's No. 772, entitled, "An Act to preserve the purity of the waters of the Commonwealth and to avoid the danger of fire by requiring the owners operators and lessees of abandoned bituminous coal mines and workings to seal the entries and air shafts thereof and conferring powers upon the Department of Mines to carry into effect the provisions of this act."

House Bill No. 1093, Printer's No. 394, entitled, "An Act to amend section five of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled 'An act providing for the licensing and registration of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties' as added changing the licensure year for motor boats."

House Bill No. 1476, Printer's No. 612, entitled, "An Act to amend section forty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' as amended changing the number of trout allowed to be caught in one day."

House Bill No. 1699, Printer's No. 539, entitled, "An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto' as amended by permitting dogs to work on liberated or native wild game animals in field meets and changing the fees for permits therefor."

House Bill No. 1806, Printer's No. 571, entitled, "An Act to further amend section two hundred and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' by requiring county treasurers to make monthly returns to the Department of Revenue of fish licenses issued."

House Bill No. 1807, Printer's No. 535, entitled, "An Act to further amend section three hundred eight of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the laws relating thereto' by requiring county treasurers to make monthly reports to the Department of Revenue of hunter's licenses granted."

GEORGE H. EARLE.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 4.

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 28, by striking out after the word "dogs" the words "temporarily imported for trial show and breed-", and inserting in lieu thereof the words "and dogs owned or used by the Board of".

Amend Section 2, page 4, line 23, by inserting before the word "game" the word "domestic"; also in line 24, by inserting after the word "Commonwealth" the words "which are kept in captivity".

Amend Section 4, page 7, line 2, by inserting after the word "or" the word "domestic"; also in line 22, by inserting after the word "or" the word "domestic"; also on page 8, line 15, by inserting after the word "or" the word "domestic"; also in line 21, by inserting after the word "or" the word "domestic"; also in line 24, by inserting after the word "or" the word "domestic"; also on page 10, line 19, by inserting after the word "or" the word "domestic"; line 25, by inserting after the word "or" the word "domestic"; also in line 26, by inserting after the word "or" the word "domestic"; also on page 11, line 6, by inserting after the word or the word "domestic"; also in line 15, by inserting after the word "poultry" the words "domestic game birds"; also in line 17, by inserting after the word "or" the word "domestic".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	Van Allsburg,
Carson,	Hoffner,	Pfaff,	Van Sickle,
Castor,	Holland,	Phillips,	Walker,
Chervenak,	Holstrom,	Piole,	Wall,
Coakley,	Hoopes,	Powers,	Wasserman,
Cochran,	Horst,	Reising,	Weidemann,
Cohen,	Jackson,	Reynolds,	Weiss,
Coleman,	Jones,	Rhys,	Welliver,
Condon,	Kane,	Rinn,	Welsh,
Conner,	Kelder,	Roan,	Westrick,
Coolahan,	Kelso,	Rooney,	White,
Cordier,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Scanlon,	Woodside,
Diehl,	Linderman,	Schrock,	Yeakel,
Dilley,	Long,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 851.

An Act to amend paragraphs one and two of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-one) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" altering qualification requirements for the award of such medals

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 4, by striking out after the word "including" the word "summary" and inserting in lieu thereof the word "summer."

Amend bill page 3, by inserting after the word "years" in line 17, the following new section:

"Section 3 This act shall become effective on final enactment"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	Van Allsburg,
Carson,	Hoffner,	Pfaff,	Van Sickle,
Castor,	Holland,	Phillips,	Walker,
Chervenak,	Holstrom,	Piole,	Wall,
Coakley,	Hoopes,	Powers,	Wasserman,
Cochran,	Horst,	Reising,	Weidemann,
Cohen,	Jackson,	Reynolds,	Weiss,
Coleman,	Jones,	Rhys,	Welliver,
Condon,	Kane,	Rinn,	Welsh,
Conner,	Kelder,	Roan,	Westrick,
Coolahan,	Kelso,	Rooney,	White,
Cordier,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Scanlon,	Woodside,
Diehl,	Linderman,	Schrock,	Yeakel,
Dilley,	Long,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

Mr. Winner asked and obtained leave of absence for Mr. LONGAKER for the balance of the week on account of illness.

Mr. Carson asked and obtained leave of absence for Mr. STONE for the balance of the week on account of death in the family.

Mr. Weiss asked and obtained leave of absence for Mr. ROBINSON for the balance of the week on account of illness.

Mr. Woodside asked and obtained leave of absence for Mr. SHREINER for today and tomorrow.

Mr. Hoopes asked and obtained leave of absence for Mrs. WILSON for the balance of the week on account of illness.

REPORTS OF COMMITTEE

Mr. OMINSKY, from the Committee on Building and Loan Associations reported as committed House Bill No. 2318, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorder of deeds, and certain State Departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further defining the rights, powers, duties, liabilities, and immunities of building and loan associations, and of their officers, directors, shareholders, solicitors, and other and other employes, and further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger, consolidation or conversion.

Mr. WEISS, from the Committee on Judiciary Special reported as committed House Bill No. 2709 entitled:

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended; by removing limitation on minimum term.

Mr. TUMELTY, from the Committee on Building and Loan Associations reported as committed, House Bill No. 2498, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties.

Mr. ALEXANDER, from the Committee on Constitutional Amendments reported as committed, House Bill No. 174, entitled:

A Joint Resolution proposing an amendment to article nine, section fifteen, of the Constitution of the Commonwealth of Pennsylvania, and adding section sixteen to said article.

Mr. BOOSE, from the Committee on Agriculture, reported as amended, House Bill No. 2499, entitled:

An Act requiring the licensing of portable grinding mills by the respective counties; fixing fees therefor; and prescribing penalties.

Mr. TURNER, from the Committee on Public Utilities reported as committed, House Bill No. 2043, entitled:

An Act to amend subsection (v) of section one of article two, and section nine of article five of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liablites; prescribing, defining and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad, corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporations concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act,"

by requiring telephone corporations and persons engaged in the telephone business to make connections and arrangements to permit telephone conversations between subscribers to the service of certain other such corporations and persons, and to operate and conduct a joint through traffic over the lines so connected, and giving the commission jurisdiction over such service and over the rules, regulations, rates, charges, costs and revenues pertaining thereto.

Mr. TAHL, from the Committee on Insurance reported as amended House Bill No. 2220, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund," providing penalties; and repealing existing laws," by prescribing uniform policy provisions for industrial life insurance as herein defined.

BILL INTRODUCED

Mr. COHEN asked and obtained unanimous consent to introduce a bill the title of which was read by the Clerk for the information of the House as follows:

An Act creating a joint legislative committee to be known as the Joint State Government Committee; and defining its powers and duties.

The SPEAKER. The bill will be filed with the Clerk.

RESOLUTION

ADVISORY COMMITTEE TO STATE EMERGENCY RELIEF BOARD

Mr. MOOMAW offered a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, May 13, 1935.

Whereas, Concurrent Resolution No. 143, Serial No. 198, Printer's No. 965, adopted by the House of Representatives on May 6, 1935, and agreed to by the Senate on May 8, 1935, has been recalled from the Governor; and

Whereas, The main reason for such recall was that the General Assembly, on mature consideration, felt that certain provisions thereof were unconstitutional in the binding effect they exercised upon the General Assembly; and

Whereas, It is the fixed belief of both Houses that the subject matter of said Resolution is of paramount importance and requires immediate action; therefore, be it

Resolved (if the Senate concur), That the Executive Director of the State Emergency Relief Board be urged to submit to an advisory committe, hereby created in each county, to consist of five members, two of whom shall be members of the party polling the highest vote in the county at the last preceding November election, to be appointed by the county chairman of such party, two of whom shall be members of the party polling the next highest vote at the last preceding November election, to be appointed by the county chairman of such party, and a fifth member to be selected by a majority of the four so appointed, a list of all relief administration employes in the respective county and all applications for positions in each such county. Such county committees shall pass upon the qualifications, and, by all means, the need for employment in the families of the employes and applicants, and the relief administration employment needs of each such county, and shall make proper recommendations to the Director.

The appointive members of each such county committee shall each receive five dollars per week for services rendered in connection with the activities of the committee, and the expenses of each such committee shall be paid from relief administrative funds; and, be it further

Resolved, That said Director be urged to require from all employes, including present and future administrative employes, visitors, and all other employes not on relief, a statement of facts, under oath, as to the income from every other source in the employe's family; this statement to be given with the application in the future and to be furnished to the said committee in each county by all present employes within fifteen days after appointment of said committees; and, be it further

Resolved, That the said Director be urged to immediately restore all salaries among relief board employes to the scale paid such employes on January 1, 1935, and shall not increase such salaries except upon recommendation of the proper county board, the formation of which is hereinbefore provided; and, be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House and the Chief Clerk of the Senate, to the State Emergency Relief Board, and the Executive Director thereof.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

RESOLUTION

SYMPATHY EXTENDED TO HON. JOHN F. STONE

Mr. SIMON offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 13, 1935.

Whereas, Our hearts are filled with sadness at the news received because of the death of the wife of one our colleagues, the Honorable John F. Stone of Potter County, and

Whereas, On the seventh day of May, just six days ago, the House of Representatives paused in its deliberations and took cognizance of the fact that the Honorable John F. Stone and his wife were then celebrating fifty-two years of wedded happiness, and

Whereas, Just two days later, this perfect union was shattered by the death of Mrs. Stone, therefore be it

Resolved, That the House of Representatives extend to the Honorable John F. Stone and his family its deep and sincere sympathy in their grief, which must be the more acute by reason of the great and prolonged happiness which has heretofore been permitted this family, and be it further

Resolved, That a copy of the action of the House of Representatives thereon be sent to the Honorable John F. Stone by the Chief Clerk.

RESOLUTION

RECALLING HOUSE BILL NO. 815 FROM GOVERNOR

Mr. GEORGE E. DOWNEY offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 13, 1935.

Resolved (if the Senate concur), That House Bill No. 815, Printer's No. 960, entitled "An act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of the State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other execu-

tive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' requiring certain qualifications for the Adjutant General and establishing a board for the determination and payment of minor damages caused by the National Guard," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

MEMORALIZING CONGRESS TO ENACT HOME OWNERS' LOAN CORPORATION LEGISLATION

Mr. OMINSKY offered a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, May 13, 1935.

Whereas, Many small business enterprises are conducted in properties which are at the same time used as homesteads, on which under existing Federal laws the Home Owners' Loan Corporation is unable to grant loans; and

Whereas, Such small business enterprises are a necessity in the residential sections of large centers of population; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memoralizes the President and the Congress of the United States to foster and enact legislation which will enable the Home Owners' Loan Corporation to grant loans on real property erected for the combined use of business as dwellings.

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this House.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

RESOLUTION

URGING FEDERAL PUBLIC WORKS ADMINISTRATION TO REHABILITATE SWITCH BACK RAILWAY

Mr. BERNHARD offered a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, May 13, 1935.

Whereas, The Switch Back Railway, running between the Boroughs of Mauch Chunk and Summit Hill in Carbon County, a distance of nine miles, is the oldest railway in the United States, having originally been constructed to carry coal from the Panther Valley Coal District to the Lehigh Canal; and

Whereas, With the construction of railroads, said gravity railway was abandoned as a coal-carrying road and was converted into a scenic railway, and thus operated for a great many years through the mountainous region known as the "Switzerland of America;" and

Whereas, Said railway was finally sold by the operating railroad company to private citizens who have endeavored to continue to operate the same as a scenic railway; and

Whereas, This historic property has fallen into disrepair, and, unless aided financially, must shortly be abandoned entirely; therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania, joining with municipal bodies, societies, organizations and citizens, respectfully urge the Federal Public Works Administration and the Pennsylvania Public Works Administrator to include within its work relief projects in this State, the rehabilitation of the Switch Back Railway in Carbon County in order to preserve this historic property;

Resolved, That a copy of this resolution be transmitted to the Federal Public Works Administration and Pennsylvania Public Works Administrator by the Chief Clerk of the House.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

RESOLUTION

COFMITTEE TO INVESTIGATE BERKS COUNTY RELIEF BOARD AND U. S. EMPLOYMENT BUREAU

Mr. HOOPES offered a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, May 13, 1935.

Whereas, Dissatisfaction with the administration of direct and work relief is widespread in the County of Berks, and

Whereas, Allegations are being made that the Berks County Emergency Relief Board and the United States Employment Bureau and other agencies dealing with relief are not using their powers consistent with the best interests of those in need, and

Whereas, Although misery is widespread it is charged that improper and incompetent personnel is being employed, that political activity is being indulged in and aid is being granted on a political basis, husbands and wives are both employed, or one employed when the other has employment elsewhere, that the members of the immediate family of public officials drawing salaries of several thousand dollars annually be given jobs, and that political friends of other politicians have been induced to give up private employment and accept jobs as foremen at substantially increased pay while equally qualified unemployed are forced to exist upon food vouchers.

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House whose duty it shall be to thoroughly and impartially investigate the Berks County Emergency Relief Board and the United States Employment Bureau in said county or any other governmental agency dealing with relief and the personnel thereof with a view of determining whether the allegations set forth in the preamble hereof are true and to make report thereof to the House of Representatives as early as possible, at this or the next Session of the Legislature.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid board bureau or agency for such stenographic help or service as it may deem necessary under the circumstances in the taking of testimony and the conduct of hearings, etc.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

RESOLUTION

PUBLIC WORKS ADMINISTRATOR URGED TO COMPLETE UNFINISHED CWA AND PWA PROJECTS

Mr. CORDIER offered a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, May 13, 1935.

Whereas, Many public works projects were commenced under the Civil Works Administration, and the Public Works Administration, which, because of lack of funds remain incompleted; therefore be it

Resolved, That it is the sense of the House of Representatives, that in the adoption of the program of public works for the Commonwealth of Pennsylvania, the Public Works Administrator should consider and, where feasible, approve projects which will result in the completion of unfinished C. W. A. and P. W. A. Projects.

Resolved, That the corporate authorities of the various municipalities be requested to bring to the attention of the Public Works Administrator all incompleted work projects in their communities particularly of a highway type, which in their present condition constitute a hazard to traffic.

Resolved, That a copy of this resolution be transmitted to the Public Works Administrator by the Chief Clerk of this House.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

RESOLUTION

RECALLING HOUSE BILL NO. 817 FROM GOVERNOR

Mr. HART offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 13, 1935.

Resolved (if the Senate concur), That House Bill No. 817, Printer's No. 111, entitled, "An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled 'An act relating to retirement from the Pennsylvania National Guard' by including service in United States Navy or Marine Corps in preferred classifications," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

MEMORIALIZING PRESIDENT TO APPROVE CASH BONUS LEGISLATION

Mr. MURRIN offered a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, May 13, 1935.

Whereas, The General Assembly of the Commonwealth of Pennsylvania, by concurrent resolution adopted by the House of Representatives on February 20, and agreed to by the Senate on March 5, petitioned the Congress of the United States to enact legislation providing for the immediate cash payment of adjusted compensation to veterans; and

Whereas, The Congress of the United States has, by an overwhelming vote, passed legislation so providing; and

Whereas, The bill is at present before the President of the United States for action; now, therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions His Excellency, the President of the United States, to approve such measure; and, be it further

Resolved, That upon agreement by the Senate to this resolution, the Chief Clerk of the Senate shall forthwith send to the President of the United States a telegram, the subject matter of which shall be in manner and form as follows:

"The General Assembly of the Commonwealth of Pennsylvania has this day by resolution memorialized your Excellency to approve the bill before you granting immediate cash payment of adjusted compensation to veterans," and, be it further

Resolved, That a copy of this resolution, properly attested by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Chief Clerk of the House of Representatives to His Excellency, the President of the United States.

The SPEAKER. The resolutions will be filed with the Clerk under the rules.

RESOLUTION

SENATE BILL NO. 22 RECALLED FROM SENATE

Mr. HABBYSHAW offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 13, 1935.

Resolved (if the Senate concur), That Senate Bill No. 22, Printer's No. 403, entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics and boards of school directors; and imposing penalties," be recalled from the Senate for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION NO. 90

Mr. DENT. Mr. Speaker, I desire to call up at this time Resolution No. 90, Printer's No. 1022.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 14, 1935.

Liquor Control Board to Display Products of small Distilleries with Products of other Distilleries in State Liquor Stores

Whereas, We have in the State of Pennsylvania, a State owned and controlled system of liquor buying and selling, and

Whereas, This system does not give the same right to all distillers in the Commonwealth in the placing of their products in these State Stores, and

Whereas, These small distilleries (operating entirely in the State of Pennsylvania) pay the same proportionate amount of taxes to the Commonwealth, and

Whereas, These small distilleries are being smothered out of existence because of the inability to place their products in the Stores with an equal chance of display and sale, and

Whereas, These small distilleries are important contributors to the Commonwealth and especially so to the communities in which they operate, therefore be it

Resolved, That the Liquor Control Board be instructed to send out circular letters to the effect that any Pennsylvania concern distilling whiskies etc., be given the right and privilege of placing in any liquor store the products of said concern when such liquor is requested by local consumers and be it further

Resolved, That said products be placed on sale by the bottle as well as by the case and that these products be placed on display along with other products of other concerns and that the prices of these products by the bottle be placed where the consumers can examine said price lists.

On the question,

Will the House adopt the resolution?

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Westmoreland, Mr. Dent.

The SPEAKER. Will the gentleman from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, is it the intention of this resolution that liquor be sold by the bottle by those holding a liquor license?

Mr. DENT. No sir, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, may I ask what the gentleman means on page two, line seven, "Resolved that the said products be placed on sale by the bottle as well as by the case"?

Mr. DENT. Mr. Speaker, it only means exactly what it says. It refers entirely to liquor stores. Under the present system any small distillery in the state of Pennsylvania can only sell its liquor when some licensee asks for it, and then the cases are placed under the shelf and individuals wanting that kind of whiskey cannot buy it except by the drink in some licensee's place of business. It puts the small distillery at a disadvantage inasmuch as it cannot at any time dispose of its wares, and the small distillery cannot go out of the State because it has not that much business. The small distillery cannot put their liquors in the liquor stores under the present system of buying.

Mr. WITKIN. Mr. Speaker, to be perfectly frank with you I do not quite understand the resolution and that is the purpose of my interrogation. Does the gentleman from Westmoreland, Mr. Dent, intend by this resolution that The Liquor Control Board would have to buy liquor from any distilling company that wanted to sell them liquor, or would they still have the right or discretion to say what they wanted to buy or what they did not want to buy?

Mr. DENT. Mr. Speaker, will the gentleman from Philadelphia listen to this—

Mr. WITKIN. Mr. Speaker, I have read the resolution and I am asking what is its intent?

Mr. DENT. Mr. Speaker, I only intend if somebody wants that particular brand of whiskey that he can buy it through the Liquor Store by asking for it.

Mr. WITKIN. Mr. Speaker, is it the intention of the gentleman from Westmoreland then by this resolution if someone walks into a liquor store and asks for a certain brand of liquor, and if they do not have it, that that Liquor Store would be compelled to have that brand at once without giving an order.

Mr. DENT. Mr. Speaker, it would be impossible for the liquor store to have it at once, but I believe that it is only fair to the consumer that if he wants a liquor made in Pennsylvania that he can buy it.

Mr. WITKIN. Mr. Speaker, doesn't the resolution do more than that? Doesn't the resolution provide that the Liquor Board if this resolution were passed and they carry out the intent of this resolution, that they would have to buy the liquor from that particular distillery and have it on hand?

Mr. DENT. Mr. Speaker, not unless somebody came in and asked for it. The resolution is very clear. You do not have to have the stuff in stock unless someone came in and asked for it. They do not have to have it in stock.

Mr. WITKIN. Mr. Speaker, does the gentleman mean that if one person asked for it that they would have to have it?

Mr. DENT. Mr. Speaker, it says by local consumers,—I think the word "consumers" is plural.

Mr. WITKIN. Mr. Speaker, does the gentleman mean two people?

Mr. DENT. Mr. Speaker, probably so, if two people want a brand of liquor it wouldn't be a bad idea to get it.

Mr. ANDREWS. Mr. Speaker and members of the House, under the terms of the Liquor Control Act, any individual desiring a special brand of liquor can procure it through the Board by depositing a part of the price. This House has appointed a committee that has been investigating the Liquor Control Board. I think the result of that investigation has been disappointing to some of the people that inspired it. Having investigated the Board, it is now proposed that the House in addition to investigating, proceed to control the minutiae of the operations of the Board, stepping into the store and saying what brands of liquor shall be bought, how much and when to buy. The resolution is a gratuitous insult to the Board, if the Board as the public press says is to be invited to continue, and if it is not to continue the resolution is a gratuituous insult to the next Board.

Mr. DENT. Mr. Speaker and members of the House, just as the gentleman from Cambria explained, any citizen of the Commonwealth of Pennsylvania can go into a liquor store and ask for a particular brand of whiskey and they must get it for him if I am right in what he says. This resolution only allows that that particular liquor asked for be displayed along with the other privileged liquors that are on display at the present time in the liquor stores.

We have in the state of Pennsylvania numerous small distilleries that contribute largely to the maintenance of small communities in which they reside and operate.

Under the present system I or any other citizen can go into a store and ask for any particular brand. They get that particular brand, in fact you must buy it by the case; you cannot get it by the bottle. They set that case of liquor under the shelf. It is not fair to the Pennsylvania distilleries. This resolution is not doing anything to the Liquor Board that should not have been done long ago. It has no effect whatsoever upon the liquor investigation. It is only a move and an effort to try and save the small distillery from extinction which the present system will do in less than six or eight more months. These men have been distilling liquor for quite a long time. It is fine. It is old as compared with what they have been getting, because nobody is buying it. They do not know it is there. It is only in fairness to the small distilleries that I ask you to vote for the resolution.

The yeas and nays were required by Mr. SOWERS and Mr. MOORE and were as follows:

YEAS—91

Alexander,	Dent,	Kilroy,	Phillips,
Allen,	Downey, G. E.,	Kinney,	Piole,
Baine,	Duffort,	Kobelak,	Powers,
Baker, J J.,	Falkenstein,	LaRue,	Reising,
Baldi,	Fitch,	Linderman,	Root,
Bernhard,	Flanagan,	Lynch,	Ruffennach,
Blumberg,	Forrest,	Male,	Scanlon,
Boose,	Furman,	McCreary,	Shortz,
Boyd, R.,	Green,	McDermott,	Siegel,
Brancato,	Haberlen,	Melchiorre,	Simon,
Brown, J. E.,	Hagerty,	Mentzer,	Sinwell,
Burke,	Hamilton, F. P.,	Mooney,	Stank,
Cannon,	Hamilton, R. S.,	Moore,	Stevens,
Carr,	Harmuth,	Moran,	Stott,
Coakley,	Hartman,	Munley,	Tumelty,
Cochran,	Hefferon,	Murrin,	Van Sickle,
Coleman,	Hermansen,	Nagel,	Weiss,
Condon,	Hindman,	Panton,	Welliver,
Conner,	Holstrom,	Patterson, C.,	Welsh,
Coolahan,	Hoopes,	Patterson, J. W.,	Westrick,
Cordier,	Horst,	Pearson,	Yourishin,
Davies,	Jackson,	Perry,	Sarig,
Denning,	Kelder,	Pfaff,	

NAYS—84

Andrews,	Habbyshaw,	Reynolds,	Surface,
Baker, F. T.,	Harkins,	Schwab,	Terry,
Barnhardt,	Hetrick,	Shepard,	Tronzo,
Brennan,	Hirsch,	Simpson,	Turner,
Castor,	Hoffner,	Sloan,	Wall,
Cohen,	Jones,	Snyder, F. E.,	White,
Decker,	Kelso,	Snyder, J. L.,	Wickersham,
Diehl,	Klingler,	Spangler,	Winner,
Dilley,	Long,	Sproul,	Witkin,
Eberharter,	Nothnagle,	Stewart,	Wood,
Finnerty,	Ominsky,	Stockham,	Woodside,
Flynn,	Peters,	Sumney,	Yeakel,

So the question was determined in the affirmative and the resolution was adopted.

STATEMENT BY MR. COLEMAN

Mr. COLEMAN asked and obtained unanimous consent to make the following statement:

Mr. SPEAKER and members of the House, it has been the customary thing while this House has been in session to have some sort of a formal observation of every anniversary and every birthday. Most of you will recollect that on Lincoln's Birthday we had a brief program at which we heard the reading of his Gettysburg address. On President Roosevelt's birthday we had a program at which we were informed that because of his policies he was preaching to the people of America the regeneration of human hearts through the power of God with an earnestness seldom surpassed in the Nation. Many of you will recollect that on the occasion of the anniversary of the oration of Thaddeus Stevens, we celebrated it, a speech that will forever ring down the corridors of time.

Are we going to fail to take cognizance that all of these men owe their lives to the unspeakable agony of a mother, who went down into the very jaws of death to snatch therefrom a new life. Were my inspired soul with the prophetic breath of Heaven, were my tongue the same as the one that rested upon the head of the Prince of the Apostles, I scarce could utter with becoming praise, fashioned by the fingers of God, after the likeness of his own Sacred Mother. Yesterday was her day. Yesterday throughout the Nation we celebrated Mother's Day and I am going to ask you members of the House to forget for just a moment the hustle and bustle of legislative matters while I just say a word or two about the mothers of all of us.

The unfolding of nature, the season of spring with its unfolding of life around us has again rejuvinated the hearts of all mankind. Every man who is assembled here tonight has at sometime or another experienced that great joy known only between mother and son.

For more than nineteen centuries mankind has had an unfailing source of inspiration to noble deeds, to great efforts and to sublime achievements. For more than nineteen centuries the word that has burnished, represented, if you will, that ever flowing source of inspiration, that has thrilled the hearts, charmed the ears and raised the hopes of all the children of men has been "mother".

I want to say in closing that every man here at some time or another has enjoyed that same thrill. So, let us all resolve tonight as a token of appreciation for the great boon of maternal devotion, let us all resolve to commemorate her sacred name and sing her praises. Let us all beseach the Divine Father to shower his richest blessings upon her for ever and ever. I know that I am expressing the sentiments rooted deeply in all our hearts, when I say with the poet:

"The world at times has beat me back
In battles I have fought
Not always has the god Success
Touched tasks in which I wrought

Full oft has fortune dealt a blow
Instead of bent to bless
And heartache follows close upon
The heels of happiness

And often when a solemn woe
Of grief my heart intoned
And often when my spirit writhed
And all my nature groaned

Their sole refrain that softened pain
Not phrased by mortal tongue
But born of memories old and sweet
The songs my mother sung.

And he who harking back to youth
Goes forth and nobly tries
To color life to match the light
That shines from Mother's eyes

He'll not pride his faltering feet
Upon the race they've made
But search his heart and bless the part
That Mother's love has played

He'll walk adown the way of life
And in his daily prayer
Thank God that all his best was born
In that old bye bye chair."

RESOLUTION NO. 141

Mr. HALUSKA. Mr. Speaker, I desire to call up at this time Resolution No. 141, Printer's No. 1044.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 2, 1935.

Whereas, The policy of the administrators of unemployment relief is to refuse work relief to persons except such as are beneficiaries of direct relief; and

Whereas, Many conscientious citizens refuse to become beneficiaries of direct relief, and even though in want, are thus denied work to which they are entitled; therefore be it

Resolved, (if the Senate concur), That each city, borough, town and township is hereby urged to form a committee or committees which shall sit for the purpose of hearing applications of persons who are in need of employment and who are not receiving direct relief, and also of persons who are receiving direct relief, and who are able to secure part-time employment in industry, which if amplified with work relief would provide sufficient income to enable such persons to forego direct relief;

Resolved, That such committees shall be constituted as follows:

In each city the mayor of the city shall appoint two members of council, and the president of the board of school directors shall appoint two members of the school board, who together with the mayor of the city, shall constitute a committee of five. In any city the committee so constituted may appoint sub-committees composed of one member of the committee of five, and other persons by them selected who, in the public interest, will agree to serve without compensation in order to carry out the spirit and intent of this resolution.

In each borough and town the burgess shall appoint two members of the council and the president of the board of school directors shall appoint two members of the school board, who together with the burgess, shall constitute a committee of five.

In each township of the first class the president of the board of township commissioners shall appoint two township commissioners, and the president of the board of school directors shall appoint two members of the school board, who together with the president of the board of township commissioners, shall constitute a committee of five.

In townships of the second class, the president of the board of school directors shall appoint two members of the school board, who together with the chairman of the board of township supervisors shall constitute a committee of three.

Resolved, That the committees constituted in accordance with this resolution be urged and requested to sit at least one day or one evening each week, to hear applications of persons desiring work relief and who come within the terms of this resolution, and shall have power to issue to persons who are deemed worthy, certificates, furnished by the State Emergency Relief Board, evidencing the belief that the holder thereof is entitled to employment, full time or part time, on any work relief project. No such certificate shall be denied to any person for the reason that he or she is not presently receiving direct relief, and no such certificate shall be issued to any person who in the opinion of any such committee is not entitled to work relief;

Resolved, That the State Emergency Relief Board and its agencies and those entrusted with the employment of persons on work relief projects be directed to cooperate with the committees constituted by this resolution and provide work to the fullest extent for the holders of certificates issued by such committees, and where work is available no such holder of a certificate shall be denied work for the reason that he is not a beneficiary of direct relief, or that he may be employed part time in industry;

Resolved, That no such committee shall hear applications of persons receiving direct relief unless the applicant is able to secure part time employment in industry, and is in need of additional income in order to forego direct relief;

Resolved, That the State Emergency Relief Board shall send such information as may be deemed advisable to each city, borough, town and township in this Commonwealth in order to bring into being the committees contemplated by this act;

Resolved, That a copy of this resolution be transmitted to the State Emergency Relief Board by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

Mr. WITKIN. Mr. Speaker, may I ask the sponsor of this resolution to explain its purpose?

Mr. HALUSKA. Mr. Speaker and members of the House, the purpose of this resolution is very clear to those who read it. Throughout this State we have complaints daily of people that must go on direct relief before they have any opportunity whatsoever of getting any relief work. They must be the beneficiaries of direct relief, otherwise they are not entitled to a day's work on any relief project. Under this setup a local committee composed of five men, as the resolution reads, will sit one evening of each week in each city, borough and township, without any compensation whatsoever, and any person desiring relief work can go before this committee, present his case and if found worthy, he shall be entitled to relief work. He can thereby be kept off direct relief.

The SPEAKER. The Chair is informed that a number of the members do not have the resolution on file. Is that a fact? Do any members not have the resolution on file?

MOTION TO LAY ON THE TABLE

Mr. EBERHARTER. Mr. Speaker, I move you that this resolution be now laid upon the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. HALUSKA and Mr. STEVENS and were as follows:

YEAS—52

Baine,	Furman,	McElroy,	Sarraf,
Baldi,	Harkins,	Moran,	Shaw,
Brancato,	Harmuth,	O'Keefe,	Shepard,
Burke,	Hetrick,	Ominsky,	Sumney,
Cannon,	Hindman,	Patterson, C.,	Tahl,
Carr,	Holstrom,	Patterson, J. W.,	Tumelty,
Duffort,	Horst,	Pearson,	Turner,
Eberharter,	Kelder,	Pfaff,	Wall,
Eroe,	Kelso,	Piole,	White,
Ferko,	Kilroy,	Powers,	Winner,
Finnerty,	LaRue,	Reising,	Witkin,
Flanagan,	Long,	Reynolds,	Zappala,
Flinchbaugh,	McDermott,	Ruth,	Sarig,

NAYS—97

Alexander,	Dent,	Mason,	Simon,
Allen,	Diehl,	McCreary,	Simpson,
Altenburg,	Dilley,	McHenry,	Sinwell,
Andrews,	Downey, J. J.,	McKinney,	Sloan,
Aukerman,	Falkenstein,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Fitch,	Merrell,	Snyder, F. E.,
Barber,	Flynn,	Moomaw,	Snyder, J. L.,
Bernhard,	Gates,	Moul,	Sproul,
Boose,	Gillette,	Muir,	Stank,
Bradley,	Habbyshaw,	Munley,	Stevens,
Brennan,	Haberlen,	Murrin,	Stewart,
Brown, J. E.,	Hagerty,	O'Neill,	Stockham,
Brownfield,	Haluska,	Panton,	Surface,
Brumbaugh,	Hamilton, F. P.,	Perry,	Terry,
Castor,	Hamilton, R. S.,	Phillips,	Tronzo,
Chervenak,	Hoopes,	Rhys,	Trout,
Coakley,	Jackson,	Rinn,	Van Allsburg,
Cochran,	Jones,	Roan,	Van Sickle,
Coleman,	Kinney,	Schrock,	Welsh,
Condon,	Klingler,	Schrope,	Westrick,
Coolahan,	Kobelak,	Schwab,	Wood,
Cordier,	Lovett,	Shortz,	Woodside,
Davies,	Lynch,	Shugarts,	Yeakel,
Decker,	Male,	Siegel,	Yourishin,
Denning,			

So the question was determined in the negative and the motion was not agreed to.

Mr. HALUSKA. Mr. Speaker, I withdraw my request to call up this resolution.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1900, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2370, entitled:

An Act fixing the liability for the expense of care and treatment of patients in tuberculosis sanatoriums maintained by the Comomnwealth and providing for the collection of the moneys due the Commonwealth therefor

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2321, entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2544, entitled:

An act to amend the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), as amended, entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by authorizing the State Workmens' Insurance Board to pay dividends in such proportion as it may determine; by giving the said board the right to reject any risk; and by authorizing the State Fund to write any form of workmen's compensation or employers' liability insurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2648, entitled:

An Act prohibiting electric light companies from discriminating in minimum charges or base rates between houses apartments or buildings because of difference in number of rooms served

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. Andrews in the Chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2126, entitled:

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies; and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proprotionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such order, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring open bidding on certain contracts of public service companies having the power of eminent domain.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2673, entitled:

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or pro-

portionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authorizing to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compeling common carriers by railroad to properly man their trains.' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," giving to the Public Service Commission the power and authority to vary, reform or revise, on a fair and equitable basis, contracts to which a public service company is a party and the subject-matter whereof concerns or affects a public right, benefit, privilege, duty or franchise; providing for a hearing and determination of the matter of a variance, reformation or revision of such contracts, and providing for the issuance and services of orders by the Public Service Commission varying, reforming or revising such contracts and the effective date of such orders.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1122, entitled:

An Act to amend section fifty-one of the act, approved the thirty-first day of March, one thousand eight hundred sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth," by changing the fines and penalties thereunder

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2398, entitled:

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds Associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws, by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commission and providing penalties for neglecting to furnish the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2591, entitled:

An Act requiring water gas and electric companies with exclusive franchises to serve all persons copartnerships associations and corporations within the municipality or township and providing for enforcement by the Public Service Commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2682, entitled:

An Act providing for the formation of non-profit membership corporations to be known as electric membership corporations for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to the inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management of the business of such corporations; providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of bonds by such corporations; and providing for the payment of such bonds and the rights of the holders thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2402, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2690, entitled:

An Act to regulate and control the use of the public highways of this Commonwealth by carriers operating motor vehicles for compensation or hire other than common carriers along and over the public highways of this Commonwealth defining private contract carriers requiring private contract carriers to procure permits empowering the Public Service Commission to grant, revoke and suspend permits empowering The Public Service Commission to fix minimum rates, fares and charges of private contract carriers, prescribe maximum hours of employment for drivers of private contract carriers, trucks requiring identification insignia to be displayed in or on private contract motor trucks, prescribing fees and penalties, increasing the jurisdiction of the Court of Common Pleas of Dauphin County and providing appeals from the orders of the Public Service Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1901, entitled:

An Act regulating the procedure in the court of common pleas in cases where there shall be divers claimants in different rights for all or part of a single award of damages or verdict in favor of any one of such claimants in matters arising under the exercise of the right of eminent domain

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2300, entitled:

A Supplement to the act approved the eighth day of May, one thousand eight hundred and eighty-nine (P. L. 136), entitled "An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the incorporation and regulation of electric light, heat and power companies," by granting to every corporation heretofore or hereafter incorporated for the supply of light, heat and power, or any of them to the public by electricity, and to every corporation which has heretofore accepted the provisions of said amendment, enlarged power to appropriate property, situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles, or their supports, and other appurtenances, or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways, request temporary or permanent relocation, change or alteration of or in any pole line facilities of any such company; and providing a method for the assessment of damages arising from such appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 618, entitled:

An Act to authorize boroughs and townships of the first class to sue out writs of scire facias on certain tax liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such lins to judgment or to revive such judgments and providing for the revival and collection of such judgments

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2537, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by authorizing insurance companies assiciations and exchanges to apply for and obtain insurance of mortgages and to make further investments of capital reserve and surplus funds pursuant to the National Housing Act by adding a new section

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2395, entitled:

An Act to repeal the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws one thousand ten) entitled "An act authorizing the merger and consolidation of water or water power companies organized prior to the first day of April one thousand nine hundred and five and providing the manner in which such merger shall be effected" and its amendment

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2391, entitled:

An Act to amend section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred fifty-one) entitled "An act authorizing the sale assignment disposition transfer and conveyance of the franchises and of the property real personal and mixed of any water or power water companies organized prior to the first day of April one thousand nine hundred and five to another water or water power company also organized prior to the first day of April one thousand nine hundred and five and providing the manner in which said sale and purchase shall be effected" by eliminating the proviso relating to the acceptance of the provisions of the act approved the thirteenth day of April one thousand nine hundred and five (Pamphlet Laws one hundred fifty-two)

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2212, entitled:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class; and providing when liability on such bond shall cease.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1342, entitled:

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership, operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent, providing the nature of public liability policy which may be used as such proof; providing for the regulation of the risk classifications underwriting rules, premiums, rates and schedule or merit rating plans of insurance companies issuing such policies; providing penalties, and repealing all inconsistent acts and parts of acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2206, entitled:

An Act to amend section one thousand three hundred and one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended establishing a compulsory tax levy for fire protection

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2207, entitled:

An Act to amend clause four of section seven hundred two and clause five of section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection and requiring the levy of a tax for fire protection.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1716, entitled:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the officers of school districts, to join with or aid any individual or association in the maintenance, or the establishment and maintenance, of a public library, although a school library already exists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2297, entitled:

A Supplement to an act approved the second day of July, one thousand eight hundred ninety-five (P. L. 425), entitled "An act granting to water power companies, and other corporations owning or controlling water power, authority to develop and distribute electric power by means of their water power, and to erect, construct and maintain the necessary buildings, plant and apparatus for that purpose," by granting to every corporation heretofore organized or hereafter to be organized for the purpose of supplying water power to the public, enlarged power to appropriate property situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles or their supports and other appurtenances or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways requesting temporary or permanent relocation, change of alteration of, or in any pole line facilities of any such company and providing a method for the assessment of damages arising from such appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2490, entitled:

An Act to amend clauses six nine and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," opening the system further for original members; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the right of retired persons who return to State service; and providing for the payment out of accumulated deductions and annuities due, by the board in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2794 (Senate Bill No. 888), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and dis-

bursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1451, entitled:

An Act making it unlawful to disseminate certain propaganda or statements concerning the race color creed or manner of worship of others.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 637, entitled:

An Act to insure bitmunious coal miners of correct weight for coal loaded by them and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1832, entitled:

An Act to further amend section thirty-six of the act approved the eleventh day of May, one thousand nine hundred twenty-one (Pamphlet Laws, five hundred twenty-two), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by requiring all fines collected under the provisions of this act to be paid into the State Treasury through the Department of Revenue by the magistrate alderman, or justice of the peace collecting such fines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1428, entitled:

An Act making it unlawful to inquire or transmit information concerning the religion or religious affiliation of persons seeking certain employment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2674, entitled:

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients, providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties", by providing for the boarding out of certain patients in State mental hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Wilson G. Sarig) in the Chair.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. MELCHIORRE. Mr. Speaker, I move that the Committee on Law and Order be granted permission to meet during the session of the House in Room 323.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2415 as follows:

An Act providing for the creation and incorporation of improvement authorities at the option of the voters in cities boroughs towns and townships prescribing the powers and duties of such authorities and authorizing such authorities to engage in the enterprise of furnishing water sewers and sewage treatment works gas or electric heat light or power services to the inhabitants of such cities boroughs towns and townships and to issue bonds and providing for the payment of such bonds and imposing duties upon certain State county city borough town and township officers

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same as follows

Section 1 Short Title This act shall be known and may be cited as "The Improvement Authorities Law"

Section 2 Purpose of Act In order to protect and to promote the general welfare by (a) providing employment in the construction and self-supporting public works and (b) enabling cities boroughs towns and townships which so desire to secure necessary services at the lowest cost consistent with sound economy and prudent management there is hereby provided a procedure for the organization of appropriate independent instrumentalities of the State without power to tax but with adequate power to construct finance and administer public enterprises the benefits of which will enure to the people of the State

Section 3 Definitions The following words terms and phrases when used or referred to in this act shall have the means ascribed to them in this section except in those in-

stances where the context clearly indicates a different meaning

"Authority" A corporation created pursuant to this act

"Enterprise" The business undertaking or enterprise or furnishing services

"Governing body" In the case of a city the city council in the case of a borough or town the borough or town council in the case of townships of the first class the township commissioners in the case of other townships the township supervisors

"Municipality" A city borough town or township the inhabitants of which shall have been incorporated as an authority under this act

"Services" Any one or more or all of the following water sewers and sewage treatment works gas or electric heat light or power services commodities or facilities

"Territory" The geographical area coterminus with the boundaries of a city borough town or township containing a population of not less than five hundred

The singlar shall include the plural and the masculine shall include the feminine and neuter.

Section 4 Requisites for Incorporation The citizens of the Commonwealth who are inhabitants of a territory may be incorporated as an authority under this act No more than one authority shall be incorporated under this act for any territory.

Section 5 Petition for Incorporation A petition in the form and executed as provided in the next two succeeding sections may be presented by filing the same with the clerk of the city borough town or township It shall be signed by qualified electors of the territory to a number at least equal to five per centum of the number of votes cast therein for the office of Governor of the Commonwealth at the election preceding the filing of the petition in a territory where less than twenty thousand such votes were so cast In any other territory the petition shall be signed by qualified electors of the territory to the number of not less than one thousand

Section 6 Form of Petition The petition shall be in substantially the following form

"To the (here insert the name of governing body) of the city (or borough town or township) of .....

"We the undersigned qualified electors of the city (or borough town or township) of ..... respectfully petition your honorable body to cause to be submitted to a vote the following question 'Shall the citizens of the Commonwealth of Pennsylvania who are inhabitants of the city (or borough town or township) of ..... be incorporated as an improvement authority by the name of the Improvement Authority of (here insert name of the city borough town or township) for the purpose of engaging in the enterprise of furnishing to such city (or borough town or township) and its inhabitants for public and residential industrial and commercial uses the following services

.....
.....
.....

"(Signatures of electors)

(Residences by street and number)

....
....
...."

The petition shall be sworn to and subscribed before a notary public in the manner now or hereafter provided for the verification of petition for the nomination of municipal officers

Section 7 Furnishing of Forms by Secretary of the Commonwealth The Secretary of the Commonwealth shall immediately upon the passage of this act have prepared blank forms of the petition which shall be furnished to any qualified elector of the State who is the inhabitant of a territory upon the written request of said elector

Section 8 Submission of Question at General Election If the petition shall have been filed with the clerk not more than sixty days and not less than thirty days prior to a general or municipal election the body to which such petition is directed shall upon determining that the petitions is sufficient cause the question proposed by the petition to be duly submitted to a vote of the qualified electors of the territory at such general election

Section 9 Submission of Question at Special Election If a petition shall not have been filed so as to permit the question to be submitted at a general election within the provisions of the preceding section the body to which such petition is directed shall upon determining that the petition is sufficient at not later than its next regular meeting succeeding the filing of the petition designate a day for the holding of a special election to ascertain the will of the qualified electors of the territory regarding the question Provided that not more than one special election shall be held under this act in any territory in any one calendar year The provisions of the election laws covering the registration of voters equipment of polling places furnishing or supplies voting and canvassing of returns at an election other than a general election shall apply to such election The governing body of such city borough town or township is hereby authorized to appropriate and expend from moneys raised by taxation for the necessary expense of such special election and if moneys shall not be available for that purpose to borrow on temporary loan the amount necessary therefor and to raise the amount necessary to pay the principal and interest thereof by tax at the first assessment levy and collection of taxes in such city borough town or township thereafter

Section 10 Publication of Notice and Conduct of Election The governing body shall give notice of the submission of the question by causing notice of the filing of the petition and the question to be submitted to be published on the same day of each week for three consecutive calender weeks in a newspaper of general circulation in the territory the first publication to be not less than twenty days nor more than thirty days prior to the date fixed for such election Whenever the question shall be submitted at a special election the election officers then in office shall conduct such special election and shall receive the same compensation and the polling places shall be the same as were designated for the holding of the general or municipal election next preceding

Section 11 Form of Ballots The question set forth in the petition shall be printed on the ballot which shall be furnished by the county commissioners of the proper county At the left of the question there shall be printed two boxes with the word "Yes" for voting for the question at the right of one box and the word "No" for voting against the question at the right of the other box

Section 12 Filing of Result The election officers shall count the votes and make a return thereof to the court of common pleas of the proper county duly certified in accordance with the general law together with a certified copy of the question and the advertisement and the clerk of said court shall make a record thereof and furnish a certified copy under the seal of the court to the governing body If the number of affirmative votes cast on the question exceeds the number of negative votes cast on the question at such election the court of common pleas shall enter a decree to that effect and the clerk of the court shall transmit forthwith a certified copy of such decree to the Secretary of the Commonwealth Immediately upon receipt of such certified copy the Secretary of the Commonwealth shall make and file as a public record in his office a certificate of incorporation certifying that the citizens of the State who are inhabitants of the territory the boundaries of which are coterminus with the boundaries of such city borough town or township are incorporated as the "Improvement Authority of ....."

Section 13 When Authority Deemed Incorporated From and after the date of the making and filing of such certificate of incorporation as provided in the section next preceding such citizens shall become and be an incorporated authority under this act It shall be the duty of the Secretary of the Commonwealth to cause to be published separately under an appropriate heading in the appendix of the next publication of the pamphlet laws the names of the authorities which have been incorporated pursuant to this act with a statement of the date of the certificate of incorporation of such authority and such statement so published shall be conclusive evidence of such incorporation

Section 14 Authority to be a Public Corporation Each

authority incorporated under this act shall be a public corporation in perpetuity under its corporate name and the same shall in that name be a body politic and corporate with power of perpetual succession The power of each authority shall be vested in and exercised by a majority of the members of the board of trustees of the authority in office So long as an authority shall be authorized to furnish any services in a territory it shall be the sole public or municipal corporation empowered to furnish such services in such territory

Section 15 Appointment Removal and Terms of Board of Trustees Each authority shall have a board of trustees Such board shall consist of three members who shall be appointed by the governing body The first appointment of members of the board shall be made not later than at the regular meeting of the governing body next succeeding the date of the certificate of the incorporation of the authority The term of office of the members of the board first appointed shall be one two and three years respectively dated from January one of the year in which such appointments are made and thereafter the term of office of the members shall be three years Members shall hold office until their successors are appointed and qualify An appointment to fill a vacancy shall be for the unexpired term The governor of the Commonwealth may remove any member within the term for which such member shall have been appointed after giving to such a member a copy of the charges against him and an opportunity to be heard in his defense

Section 16 Organization of Board Officers Promptly after their appointment the members of the board shall meet to organize At such meeting and at the first meeting in each year thereafter the members of the board shall choose from their number a president and a secretary

Section 17 Powers of Board of Trustees The board of trustees shall have power to do all things necessary or convenient in conducting and developing the enterprise including but not limited to

(a) The power to adopt and amend by-laws for the management and regulation of its affairs and the enterprise in which it is engaged

(b) To use with the consent of the municipality the agents employes or facilities of such municipality and to provide for payment of the agreed proportion of the cost therefor

(c) To appoint officers agents and employes and to fix their compensation

(d) To inquire into any matter relating to the affairs of the authority to compel by subpoena the attendance of witnesses and the production of books and papers material to any such inquiry to administer oaths to witnesses and to examine witnesses on such books and papers

(e) To appoint an advisory board to assist in the formation of proper policies in respect of the enterprise

(f) To execute instruments

Section 18 Compensation of Members and Employes The members of the board shall not be entitled to compensation for their services but shall be entitled to reimbursement for all expenses incurred in connection with the performance of their duties The board may delegate to one or more of its members or to its agents and employes such powers and duties as it may deem proper

Section 19 Members Not to Hold Municipal Office The members of the board shall not hold any public office under the municipality

Section 20 Transfer of Jurisdiction to Authority Jurisdiction supervision title possession and control of all property real and personal tangible and intangible together with all easements water rights and other rights therein and all other adjuncts including books papers and records pertaining to any plant or system owned managed supervised possessed and controlled by a municipality for the purpose of furnishing any services named in the petition pursuant to which an authority is incorporated shall devolve and are hereby conferred and imposed upon such authority The provisions of any charter and of general special and local laws regulating the exercise of the powers and the performance of the duties of officers and employes of such municipality shall continue in full force and effect until the board of trustees of such authority by its by-laws confers such powers upon its officers agents or employes or imposes such duties upon its officers agents or employes

Section 21 Transfer of Officers and Employes Officers and employes of any board commission or department in or of the municipality may be transferred to the authority and shall be eligible for such transfer and appointment without examination to offices and positions under such authority The transfer and appointment of such officers and employes shall be made in accordance with the provisions of any agreement which may be entered into between the governing body of such muncipality and the board of trustees of such authority

Section 22 Obligations of Contracts not Impaired The obligations of contracts of the municipality shall not be impaired by this act Moneys to provide for the payment of notes bonds or other obligations issued by the municipality in relation to any plant or system the management supervision title possession and control of which shall devolve upon such authority shall be raised collected and paid for by such municipality as though this law had not been enacted except that in the event such notes bonds or other obligations constitute a charge lien or other encumbrance upon such plant or system or the revenues of such plant or system the duty to raise collect and apply such revenues to the payment of such notes bonds or other obligations shall rest upon such authority rather than upon the municipality and such notes bonds or other obligations shall remain a charge lien or other encumbrance upon such plant or system or upon such revenues All contract of such municipality in relation to any such plant or system shall be assumed by such authority and the terms and conditions to be performed on the part of such municipality shall be complied with and performed by the board of trustees of such authority and the benefits of such contract shall inure to the benefit of such authority

Section 23 Enlargement of Services The authority shall not include in an enterprise in which it is engaged the furnishing of any services not named in the petition provided for by this act unless the furnishing of such additional services shall be submitted to and approved by the qualified electors of the territory If the board of trustees of such authority shall by resolution determine to submit the question of furnishing such additional services or if a petition requesting the submission of such a question in the general form and executed as provided for petitions for the submission to vote of the question of incorporating an authority under this act shall be filed with the secretary of the board of trustees of the authority such question shall be submitted for the approval of such electors at a special election in the territory held not less than sixty days after the adoption of such resolution or the filing of such petition or at the next general election in the municipality if the same be held not less than sixty days after such adoption or filing The mode or method of procedure for the submission of such question the publication of notice therefor the conduct thereof the canvassing of votes thereat and the certifying filing and proclamating of result shall conform as nearly as may be reasonable with the mode or method of procedure for the submission of the question of the incorporation of such authority at an election as provided in this act except that the board of trustees of such authority shall act in the place and stead if the governing body and the secretary of the board of trustees shall act in the place and stead of the clerk of the municipality If the number of votes cast in favor of the furnishing of such additional services exceeds the number of votes cast against the furnishing of such additional services at such election the authority shall within a reasonable time furnish such additional services The provisions of this act relative to the jurisdiction of the authority and the transfer of property powers and duties to the authority after the incorporation thereof shall apply to the enlargement of the services thereof in like manner and to the same extent as such provisions apply to the services furnished by the authority by virtue of the petition for incorporation The authority shall bear the expenses of any special election under this section

Section 24 Diminishing of Services The services of the authority shall not be diminished so as to exclude from an enterprise in which the authority is engaged the furnishing

of any services unless and until all bonds of the authority pursuant to this act shall have been finally paid and discharged except with the consent of the holders of seventy-five per centum (75%) in amount of such bonds then outstanding secured in whole or in part by a pledge of revenues derived from the furnishing of the services to be excluded Thereafter such services may be diminished and the mode or method of procedure for the diminishing of such services shall conform as nearly as may be reasonable to the provisions of this act relative to the manner of enlarging the services of such authority The authority shall bear the expenses of any special election under this section Nothing in this section shall be construed to limit the right of the authority for proper cause to discontinue services to any consumer

Section 25 Corporate Purpose of Authority and General Grant of Power The corporate purpose of an authority incorporated under this act shall be the conducting and developing of the enterprise in which it may engage in such manner that the services afforded by such enterprise shall be available for public and residential commercial and industrial uses at the lowest cost consistent with sound economy and prudent management Every authority incorporated under this act is hereby vested with all powers necessary and requisite for the accomplishment of such purpose capable of being delegated by the General Assembly of the State The authority shall have the power to acquire construct reconstruct extend improve and maintain and operate any plant works system facilities or properties together with all parts thereof and appurtenances thereto used or useful for the generation production transmission and distribution of electric energy natural or artificial gas or mixtures thereof for obtaining a water supply and the storage and distribution of water for the collection disposal and treatment of sewage and generally for the conduct and development of the enterprise No enumeration of particular powers hereby granted shall be construed to impair any general grant of power herein contained or to limit any such grant to a power or powers of the same class or classes as those so enumerated The authority is empowered to do all acts necessary proper or convenient in the exercise of the powers granted under this act

Section 26 Grant of Specific Powers Subject only to the Constitution of the State each authority shall have power in its own name

1 To sue and be sued

2 To have a seal and alter the same at pleasure

3 To acquire by purchase gift devise lease or exercise of the power of eminent domain or other mode of acquisition hold and dispose of property real and personal tangible and intangible and interest therein in its own name subject to mortgages or other liens or otherwise and to pay therefor in cash or on credit and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as it shall determine

4 To make and enter into contracts indentures of trust leases and bonds

5 To borrow money and to issue negotiable bonds and provide for the rights of the holders thereof

6 To fix maintain and collect rates and charges for any services

7 To pledge all or any part of its revenues

8 To make such covenants in connection with the issuance of bonds or in order to secure the payment of bonds that a private business corporation can make under the general laws of the State not withstanding that such covenants may operate as limitation on the exercise of any of the powers granted by this act

9 To enter on any lands waters and premises for the purpose of making surveys soundings and examinations

10 To pay to the municipality the whole or any part of the amount necessary to be raised by taxation by such municipality in order to pay when due notes bonds or other obligations issued by such municipality in relation to or any plant or system the management supervision control and possession of which is transferred pursuant to this act from such municipality to such authority

11 To perform any and all acts and do any and all things by contract or contracts or under through or by means of its own officers agents and employes

12 To purchase water gas and electric energy

Section 27 Moneys of an Authority All moneys of an authority incorporated under this act from whatever source derived shall be paid to the State Treasurer as agent of such authority who shall not commingle said moneys with any other moneys Said moneys shall be deposited in a separate bank account or accounts The moneys in said accounts shall be paid out on check or warrant of said treasurer on requisition of the president of the board of trustees or of such other person or persons as the authority may authorize to make such requisitions All deposits of such moneys shall if required by such treasurer or by the board of trustees of the authority be secured by obligations of the United States or the State of a market value equal at all times to the amount of the deposit and all bank and trust companies are authorized to give such security for such deposits This section shall not be construed as limiting the power of the authority to agree as to the custody and disposition of moneys or revenues for the security of its bonds

Section 28 Audit of Books The Auditor General of the Commonwealth and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of such authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its financial standing Such examination shall be made at least once in every year by the said department which shall furnish the board of trustees of such authority with a copy of its report and any recommendations which the said department may deem it advisable to make to such board of trustees A condensed statement and analysis of the financial standing and condition of such authority shall be published by the said department in a newspaper of general circulation in the territory of the authority

Section 29 Bonds of an Authority Bonds of an authority shall be authorized by resolution of the board of trustees of such authority and may be issued in one or more series may bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding five per centum per annum payable semi-annually be in such denominations be in such form either coupon or registered be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption with or without premium be declared or become due before the maturity date thereof as such resolution or resolutions may provide Said bonds may be issued for money or property (at public or private sale for such price or prices) as such authority shall determine provided that the interest cost to maturity of the money or property (at its value as determined by such board of trustees the determination of which shall be conclusive) received for any issue of said bonds shall not exceed five per centum per annum payable semi-annually Pending the preparation or execution of definitive bonds interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds and said bonds may be purchased by such authority out of any funds available for such purpose at a price not more than the principal amount thereof and accrued interest and all bonds so purchased shall be cancelled

Section 30 Liability on Bonds and other Obligations The bonds and other obligations of an authority incorporated under this act shall not be a debt of the Commonwealth nor a debt of the municipality and neither the Commonwealth nor the municipality shall be liable in any way whatsoever thereon nor may the holder of any such bonds or obligations compel the levy of any taxes for its payment Said bonds shall not be payable out of any funds other than those of the authority issuing the same and each bond shall contain a recital to that effect Neither the members of the board of trustees or any person executing said bonds shall be liable personally on said bonds by reason of the issuance thereof

Section 31 Rights and Remedies of Bond Holders In addition to all other rights and all other remedies any holder of any bond of any authority incorporated under

this act including a trustee for bond holders shall have the right subject to any contractual limitations binding upon such bond holder or holders or trustee and subject to the prior or superior rights of others

1 To sue on the bond

2 By mandamus or other suit action or proceeding at law or in equity to enforce his rights against such authority and the board of trustees of such authority including the right to require such authority and such board of trustees to fix and collect rates and charges adequate to carry out any agreement as to or pledge of the revenues produced by such rates or charges and to require such authority and such board to carry out any other covenants and agreements with such bond holder and to perform its and their duties under this act

3 By action or suit in equity to require such authority to account as if it were the trustee of an express trust for such bond holder

4 By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such bond holder

5 By suit action or proceeding in any court having equitable jurisdiction to obtain in the event of a default by the authority in the payment when due of his bond or interest thereon which default shall have continued for a period in excess of sixty days the appointment of a receiver of the enterprise in which the authority is engaged or any part or parts thereof who may enteer and take possession of such enterprise or any part or parts thereof including all property lands property rights easements and other adjuncts of the enterprise in which the authority shall have been engaged in and such receiver may engage in such enterprise furnish the service or services thereof and operate and maintain the system fix and collect and receive all revenues thereafter arising therefrom in the same manner as such authority itself might do and shall deposit all such moneys in a separate account or accounts and apply the same in accordance with the obligations of such authority as the court shall direct

Section 32 Consent of Municipal Corporations No authority incorporated under this act shall furnish any service to the inhabitants of a city borough town or township (other than the municipality) except with the consent of the governing body of such city borough town or township Except as herein provided the authority may furnish services for public and residential industrial and commercial uses within and without the boundaries of its territory

Section 33 Consent of Other Agencies Except as in this act otherwise expressly provided it shall not be necessary for any authority to obtain any certificate of convenience or necessity franchise license permit or any other authorization from any board bureau commission department or other agency of the Commonwealth or of any county city borough town or township

Section 34 Eminent Domain Procedure The power of eminent domain may be exercised by an authority in the manner prescribed by law

Section 35 Property to be Restored Whenever an authority has entered upon and damaged any street highway or other public way the authority shall restore the same to its former condition

Section 36 Agreement of the Commonwealth The Commonwealth does pledge to and agree with the holders of bonds issued by an authority pursuant to this act that the Commonwealth will not limit or alter the rights and powers hereby vested in an authority to fix and collect such rates and charges as may be necessary or advisable in order to produce sufficient revenue to meet all the expenses of maintenance and operation and to fulfill the terms of any agreements made with the holders of such bonds until such bonds together with interest thereon and interest on any unpaid installments of interest and all costs and expenses in connection with any suits actions or proceeding by or on behalf of such bond holders are fully paid and discharged

Section 37 Separability of Provisions If any provision of this act or the application of such provision to any person body or circumstances shall be held invalid the remainder of this act or the application of such provision to persons bodies or circumstances other than those as to which it is held invalid shall not be affected thereby

Section 38 Act Complete in Itself This act is complete in itself and shall be controlling The provisions of any other law general special or local except as provided in this act shall not apply to an authority

Section 39 Time of Taking Effect This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2481 entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by removing the limitation on the power to tax for the payment of the principal and interest on bonded indebtedness and other loans and by providing for the issuance of negotiable bonds to finance improvements all or part of the cost of which may be assessed against abutting or benefited properties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two thousand five hundred and fifty-one and two thousand seven hundred five of the act approved the twenty-third day of June one thousand nine hundred thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 2551 Tax Levies The council of each city may by ordinance levy and provide for the collection of the following taxes

1 A tax for general revenue purposes not to exceed fifteen mills on the dollar in any one year on all persons and property taxable according to the laws of the Commonwealth for county purposes the valuation of such property to be assessed as hereinbefore provided

2 A tax in addition to the above [not exceeding ten mills on the dollar upon the assessed valuation in any one year] on all persons and property taxable for county purposes sufficient for the payment of principal and interest on bonded indebtedness and for the payment of loans to support the government and to make necessary improvements in the city

3 A poll-tax for general revenue purposes not exceeding one dollar annually on all inhabitants above the age of twenty-one years

Any ordinance of council fixing the rate of taxation for any year at a mill rate shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property

Section 2705 [Improvement Bonds] Bonds Where Cost Is Payable From Assessments In making improvements where the cost thereof is to be paid by assessments in whole or in part upon property abutting or benefited the city may issue improvement bonds based solely upon the assessments for such improvements and imposing no municipal liability or the city may issue negotiable bonds payable from ad valorem taxes to be levied as herein provided and may finance the construction of any such improvement from the proceeds of the sale thereof and in any such case the proceeds of the assessments levied as herein provided upon the property abutting or benefited shall be paid into the sinking fund established in accordance with this act and the amount of taxes levied for the

payment of the interest on said bonds and the principal thereof which become due in any year may be reduced by the amount which has been paid into such sinking fund and is actually on hand and applicable to the payment of such interest and such principal which become due in such year

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. KINNEY. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1972 as follows:

An Act fixing the salary of the district attorney in counties of the seventh class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the annual minimum salary of the district attorney in counties of the seventh class shall be one thousand five hundred dollars ($1,500) to be paid by the county

Section 2 The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred seventeen) entitled "An act regulating the salaries of district attorneys in counties of the seventh and eighth classes" is hereby repealed in so far as it applies to counties of the seventh class

All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2566 as follows:

An Act to further amend section fifteen of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred eleven) entitled "An act providing for the establishment of a State Industrial Home for Women authorizing the purchase of a site and the erection thereon and equipment of necessary buildings providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years convicted of or pleading guilty to the commission of any criminal offense and providing for the government and management of said institution and making an appropriation to carry out the purposes of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twenty-four years of age

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifteen of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred eleven) entitled "An act providing for the establishment of a State Industrial Home for Women authorizing the purchase of a site and the erection thereon and equipment of necessary buildings providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years convicted of or pleading guilty to the commission of any criminal offense and providing for the government and management of said institution and making an appropriation to carry out the purposes of this act" as last amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws eight hundred fifty-nine) is hereby further amended to read as follows

Section 15 Any court of record in this Commonwealth exercising criminal jurisdiction may in its dscretion sentence to the State Industrial Home for Women any female over sixteen years of age upon conviction for or upon pleading guilty of the commission of any criminal offense punishable under the laws of this State After due notice given to all courts of record exercising criminal jurisdiction in this Commonwealth by the board of trustees of said State Industrial Home for Women that the said home is prepared to receive all women so convicted or pleading guilty of an offense punishable by imprisonment for [more than a] one year or more who shall be sentenced to imprisonment such sentence in all cases shall be to confinement in said State Industrial Home for Women Every sentence imposed pursuant to this act shall be merely a general one to the State Industrial Home for Women and shall not fix or limit the duration thereof The duration of such imprisonment including the time spent on parole shall not exceed three years except where the maximum term specified by law for the crime for which the prisoner was sentenced shall exceed that period in which event such maximum term including the time spent on parole shall be the limit of detention under the provisions of this act

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2176, as follows:

An Act to amend section two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation" as amended by reducing the amount of the state appropriation and the amount required to be raised by citizens and reappropriate to the Department of Property and Supplies the appropriation as so reduced

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Act page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation" which was amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-one (Appropriation Acts page eight) is hereby further amended to read as follows

Section 2 That the sum of [ten] seven thousand five hundred dollars [($10,000)] ($7,500) or so much thereof as may be necessary is hereby specifically appropriated and reappropriated to the Department of Property and Supplies for the purpose of carrying out the provisions of this act This appropriation and reappropriation is made contingent upon the raising by the citizens of the city of Chester and vicinity of a sum of a least [ten] five thousand dollars[($10,000)] ($5,000) to be applied to the cost of the construction erection and dedication of said monu-

ment and no part of said appropriation shall be paid until proof has been produced to the satisfaction of the Auditor General that said sum of [ten] five thousand dollars [($10,000)] $5,000) is available for said purposes Payments from said appropriations shall be made upon requisition of the Secretary of Property and Supplies by warrant of the Auditor General on the State Treasurer in the usual manner

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2601 entitled:

An Act to amend sections two and four of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred fifteen) entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as 'Bucktail State Park' and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two and four of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred fifteen) entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as 'Bucktail State Park' and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" are hereby amended to read as follows

On the question,

Will the House agree to the section?

Mr. SCHWAB. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 1, by striking out the word "use" and inserting in lieu thereof the word: "uses"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to as follows:

Section 2 The Department of Forests and Waters of the Commonwealth shall have full control and supervision of the public lands and control over other lands over which it may hereafter obtain control under the provisions of this act in accordance with control rights granted within the area hereinbefore dedicated as a public park and pleasure-ground with power to adopt and carry into effect plans for the improvement preservation and use thereof The department may enforce such rules and regulations not inconsistent with the laws of this Commonwealth including provisions for the use and operation of motor vehicles therein as it may make for the protection of life and property the maintenance of good order the protection and improvement of the park and the carrying into effect of the full and proper use of said property as a State park and pleasure-ground

Section 4 The Department of Forests and Waters is further authorized and empowered to acquire by gift or for nominal consideration from persons owning property within the limits of the territory hereinbefore dedicated and set apart as a public park and from others control rights or the right to limit and prescribe the use to which such privately owned property may hereafter be put by the owners [thereof particularly] to the extent which the owners thereof shall be willing to grant but no such control rights shall be accepted unless they include at least a surrender of control in the following particulars (a) the right to sell or service travelers tourists recreationists campers or seasonable dwellers (b) the right to prohibit or limit the placing on such properties of billboards or any form of outdoor advertising except such as advertises merchandise or services sold at roadside inns hotels stores and service stations thereon and (c) the right to remove or enforce the removal of abandoned or dilapidated and neglected buildings which have become nuisances All deeds conveyances or agreements of any kind secured by or entered into by the department for the purpose of carrying out the provisions of this section shall be subject to the approval of the Department of Justice.

An Act to amend sections two and four of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred fifteen) entitled "An act dedicating the setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as 'Bucktail State Park' and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1204, as follows:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated for the several fire companies of the city of Harrisburg Pennsylvania as compensation for protection from and extinguishment of any fire or fires that may occur in or on the Capital buildings or grounds for the two fiscal years beginning June first one thousand nine hundred and thirty-five Said sum to be distributed among said companies in equal amounts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2309, as follows:

A Joint Resolution proposing an amendment to section one article eighteen of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one article eighteen of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 The people of Pennsylvania reserve to themselves the right to initiate and enact an amendment or amendments to this Constitution in the following manner

Fifteen per centum of the electors in each of thirty-four counties constituting a total of at least five hundred thousand electors of the Commonwealth may by petition propose to the qualified electors of the Commonwealth for their adoption or rejection an amendment or amendments to this Constitution Such petitions shall embody the proposed amendment or amendments to the Constitution or the article or section thereof as it would read before and after the proposed amendment or amendments Such petitions shall be filed in the office of the Secretary of the Commonwealth at least six months before the general election at which the amendment or amendments to the Constitution are to be voted upon and the Secretary of the Commonwealth shall cause the said amendment or amendments to be published once a month for three months before the said general election in at least two newspapers of general circulation in each county in which such newspapers are published and such proposed amendment or amendments shall be submitted to the qualified electors of the State at the general election and if such amendment or amendments shall be approved by a majority of those voting thereon such amendment or amendments shall become a part of the Constitution but the same amendment or amendments shall not be submitted more often than once in five years When two or more amendments shall be submitted they shall be voted upon separately

Section 2 Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives and if the same shall be agreed to by a majority of the members elected to each House such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon and the Secretary of the Commonwealth shall cause the same to be published once a month for three months before the said general election in at least two newspapers of general circulation in each county in which such newspapers are published and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner and at such time at least three months after being so agreed by the two Houses as the General Assembly shall prescribe and if such amendment or amendments shall be approved by a majority of those voting thereon such amendment or amendments shall become a part of the Constitution but the same amendment or amendments shall not be submitted more often than once in five years When two or more amendments shall be submitted they shall be voted upon separately

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 978, as follows:

An Act to amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" creating a new limited classification of operators increasing the eligibility requirements for examination and requirements for school registration and requiring certificates to contain photographs of applicants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one two three four five six eight eleven thirteen and sixteen of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meaning ascribed to them in this section

"Beauty Culture" includes any or all work done for compensation by any person which work is generally and usually performed by so-called hairdressers cosmetologists cosmeticians beauticians or beauty culturists and however denominated in so-called hairdressing and beauty shops ordinarily patronized by women which work is for the embellishment cleanliness and beautification of the women's hair such as arranging dressing curling waving permanent waving cleansing cutting singeing bleaching coloring pressing or similar work thereon and thereabout and the removal of superfluous hair by means of waxes depilatories and other agents and the massaging cleansing stimulating manipulating exercising or similar work upon the scalp face arms or hands or the upper part of the body by the use of mechanical or electrical apparatus or appliances or cosmetics preparations tonics antiseptics creams or lotions or by any other means and of manicuring the nails which enumerated practices shall be inclusive of the term beauty culture but not in limitation thereof

"Department" means the Department of Public Instruction of this Commonwealth

Section 2 Practice of Beauty Culture without Registration Prohibited It shall be unlawful for any person to practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop or to use or maintain any place for the practice or teaching of beauty culture for compensation unless he or she shall have first obtained from the department a certificate of registration as provided in this act Nothing contained in this act however shall apply to or affect any person who is now actually engaged in any such occupation except as hereinafter provided

Section 3 Requirements to Practice Before any person may practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop such person shall file with the department a written application for registration accompanied by a health certificate issued by a registered licensed physician of Pennsylvania under oath on a form which shall be prescribed and supplied by such department and shall deposit with the department the registration fee and pass an examination as to fitness to practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop as hereinafter provided in this act The application shall have attached thereto the photograph of the applicant which in the event the person qualifies shall be attached to the

certificate issued such applicant All persons to whom a certificate is issued under the provisions of this act shall have attached to the current certificate a photograph of the person to whom issued

Section 4 Eligibility Requirements [for Examination] (a) No person shall be granted a certificate of registration as a student or apprentice unless such person shall have completed the eighth grade of the public schools or its equivalent

(b) No person shall be permitted by the department to take an examination to receive a certificate as an operator unless such person shall be at least sixteen years of age and has been registered as a student and has had training as hereinafter provided in this act in a beauty school duly registered by the Department or unless such person shall have been registered and served as an apprentice at least two years as hereinafter provided in this act Provided however That the department may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish to the satisfaction of the department that he or she has been an operator in the active practice of beauty culture for at least twenty-four months within the five years next preceding the effective date of this act And provided further That the department may in its discretion permit persons to take the examination who have completed courses in schools of beauty culture outside of this Commonwealth when it is established to the satisfaction of the department that the said schools and courses of study equal the requirements of similar schools within this Commonwealth

(c) No person shall be permitted to take an examination for a certificate to [teach beauty culture or] act as manager of a beauty shop unless such person shall be at least [eighteen] twenty-one years of age and has had at least eighteen months' experience as an operator in a beauty shop or has had training in a duly registered school of beauty culture of fifteen hundred hours inclusive of the studies necessary to become an operator

(d) No person shall be permitted to take an examination for a certificate to teach beauty culture unless such person shall have a public high school education or its equivalent and has had either a training in a duly registered school of beauty culture of two thousand hours inclusive of the studies necessary to become an operator or eighteen months experience as an operator and one thousand hours training in such school

Section 5 (a) Manicuring A limited certificate of registration to manicure the nails only may be applied for and granted under all of the terms and conditions of this act except that the examination therefor may be limited to such practice only and the required beauty culture schooling shall be two hundred and fifty hours within a period of not less than [one month] six weeks

(b) Electrolysis A certificate of registration to use the electric needle only as a beauty treatment may be applied for and granted under all of the terms and conditions of this act except that the examination therefor shall be limited to such practice only and the required beauty culture schooling shall not be less than two hundred and fifty hours within a period of not less than three months in a registered school of beauty culture

Section 6 (a) Requirements of a School of Beauty Culture No school of beauty culture shall be granted a certificate of registration unless it shall attach to its staff as a consultant a person licensed by this Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours shall establish grades and hold examinations before issuance of diplomas and shall require a day school term of training of not less than one thousand hours within a period of not less than six [consecutive] months or a night school term of training [for a period] of not less than [twelve consecutive] eight hundred hours at school and two hundred hours of home study within a period of not less than eighteen months for a complete operator's course comprising all or a majority of the practices of cosmetology as provided by this act and to include practical demonstrations and theoretical studies and study in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to beauty culture or any practice thereof In no case shall there be less than one teacher to each twenty-five pupils nor less than two registered teachers on the staff of any school No certificate shall be granted to a school of beauty culture not heretofore registered unless the floor space of such school be at least twelve hundred square feet and the apparatus and equipment of such school be in the opinion of the department adequate for the proper training of at least twenty-five pupils at one time In no case shall a certificate be granted unless it is established to the satisfaction of the department that the applicant is a morally and financially responsible person and in the case of a corporation that its officers and directors are such

(b) Notice Objections The applicant for a certificate of registration for a school of beauty culture shall advertise the intention to apply for the same in a newspaper of general circulation printed in the English language in the county in which the premises involved are situate Advertisements shall appear once per week for two consecutive weeks the last of which shall appear at least ten days prior to the date fixed for the presentation of the application and shall contain such information as the rules of the department may require

Objections thereto may be filed with the department within fifteen days after the presentation of the application Upon the filing of objections to any application the department shall conduct a hearing thereon at Harrisburg upon ten days notice to all interested parties At such hearing the department shall take testimony on and consider the application and exceptions and shall refuse or grant the application upon such testimony or upon such other facts as the department upon investigation may ascertain

Section 8 Practice in Beauty Shops Only It shall be unlawful for any person to practice beauty culture for pay in any place other than a registered beauty shop Provided That a registered operator attached to a registered shop may furnish beauty culture treatments to persons in residences of such persons by appointment.

Section 11 Rules by Department The department shall prescribe reasonable rules for its conduct and for the qualifications registration and examination of applicants to practice or teach beauty culture electrolysis and manicuring and for the registration of apprentices teachers students and managers of beauty shops or schools of beauty culture and for temporary [licenses] certificates to be issued at the discretion of the department under the provisions of sections nine and ten of this act and generally for the conduct of persons copartnerships associations or corporations affected by this act Rules established by the department shall be printed and supplied to applicants and license holders

Section 13 Powers and Duties of Department The department shall have the power to refuse revoke or suspend [licenses or] certificates upon due hearing on proof of violation of any provisions of this act or the rules and regulations established by the department under this act or for gross incompetency or dishonest or unethical practices and shall have the power to require the attendance of witnesses and the production of such books records and papers as it may desire Before any certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the department with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose certificate of registration has been so suspended or revoked may after the expiration of ninety days on application to the department have the same reissued to him or her upon satisfactory proof that the disqualification has ceased [Be-

fore the department may institute any of the above proceedings it shall send a notice in writing to the certificate holder of any alleged violation of this act or rules thereunder together with a notice that if the violation is not abated within fifteen days the proceedings above outlined will be initiated]

Section 16 Fees The registration fee for the issuance of a [license] certificate with or without examination shall be as follows Five dollars ($5.00) for beauty shop owners managers persons using the electric needle as a beauty treatment and teachers two dollars ($2.00) for operators and manicurists one dollar ($1.00) for students or apprentices and fifty dollars ($50.00) for schools of beauty culture Annual renewal fees shall be five dollars ($5.00) for shop owners [and] managers persons using the electric needle as a beauty treatment and school instructors two dollars ($2.00) for operators and manicurists and twenty-five dollars ($25.00) for schools of beauty culture The above fees for registration examination and certificate shall be paid in advance to the department and by it paid into the State Treasury through the Department of Revenue

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERMANSEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2427, as follows:

An Act authorizing the authorities in any city of the first class of stipulate certain methods for the payment of local assessments

Section 1—Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever local assessments or liens are imposed upon certain property holders in any city of the first class in this Commonwealth the authorities of such city may by general ordinance or by ordinance relating to the specific improvement prescribe that such assessments may be paid in not more than ten equal installments payable at such times as may be fixed by ordinance the last thereof not to be more than ten years after the completion of the work of the improvement for which it is assessed The installments shall bear interest at the rate of not more than six per centum per annum commencing at such time as may be fixed by ordinance If any of said installments shall remain unpaid for two months after the same shall become due and payable the whole of the assessment remaining unpaid shall be due and payable

Any person upon whom such assessment has been made may pay all or as much as he chooses of such installment before the same is due

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1896, as follows:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two million seven hundred thousand dollars ($2,700,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals for and during the two years beginning June first one thousand nine hundred and thirty-five and to pay for the deficiency in the care treatment removal and maintenance of the indigent insane prior to June first one thousand nine hundred and thirty-five

No warrant shall be drawn on this appropriation until the directors trustees or managers of such hospitals shall have made on oath or affirmation to the Department a monthly or quarterly report as may be required by the Secretary of Welfare setting forth the actual total number of weeks of service rendered to indigent insane patients in such hospitals respectively during the period for which the report is made nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly reports of the cost of such care and treatment contains no charge except for "care treatment removal and maintenance" which words as used in this act shall be construed to mean medical and surgical treatment nursing food and clothing

Section 2 It shall be the duty of the directors trustees or managers of such hospitals to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred and thirty-five setting forth the name of each and every indigent insane patient resident in such hospitals respectively on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient and the county or poor district from which such patient was admitted

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors trustees or managers of such hospitals shall make on oath or affirmation a report to the Department of Welfare setting forth the name of each indigent insane patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission and the county or poor district from which such patient was committed Such report shall also contain the name of each indigent insane patient removed from such hospitals by death discharge or parole together with the identification number of such patient the date of removal and the county or poor district from which such patient was committed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2359, entitled:

An Act Providing for the creation of public "Authorities" in counties of the first class authorizing such "Authorities" to enter into agreements with the Government of the United States particularly as they relate to the National Industry Recovery Act and any amendment and supplements thereto and the Emergency Relief Appropiation Act of one thousand nine hundred thirty-five the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with others defining and providing for the organization and dis-

solution of such "Authorities" conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such "Authorities" may exercise their powers endowing such "Authorities" with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such "Authorities" to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of the first class of this Commonwealth there is hereby created a body corporate and politic to be known as the "Authority" of said county (hereafter in this act called the "Authority") provided however that such "Authority" shall not become operative nor transact any business until and unless the Governor of the Commonwealth shall declare its creation and appoint and designate the members thereof as in this act herein prescribed Such "Authority" shall constitute a public body corporate and politic of said county for the public purposes herein set forth and shall exercise an essential governmental function in effectuating such purposes and to that end such "Authority" shall be endowed with and is hereby granted the following powers to-wit

(a) To construct maintain and operate subways trolley lines water works sewer systems and sewage treatment works sewerage disposal plants public buildings bridges tunnels streets highways traffic distribution centers traffic circles airports hangars parkways recreation grounds and facilities public parks and facilities playgrounds and recreation centers and facilities swimming pools lakes dams and parts of any of said projects and improvements thereof and additions thereto on land belonging to the City or leased to it by the City of Philadelphia and to charge and collect fees tolls rentals and charges in connection with any or all of said structures projects additions or improvements and any or all parts thereof the proceeds therefrom to be used for the purpose of maintaining and operating the same and of repaying to the United States Government and to others any and all monies and interest thereon which may have been borrowed therefrom in connection with the purposes for which said "Authority" was created as same may be due and payable

(b) To enter into any contract or contracts with any street railway company telegraph company telephone company or other corporation or person or persons desiring to make use of any of the projects constructed or maintained pursuant to the purposes for which said "Authority" has been created and under the provisions of this act for the concurrent use of such portion of any of said projects as shall not substantially impair or restrict the public use and enjoyment thereof upon such rates terms and conditions as shall be agreed upon or to charge tolls or rentals for such special use provided however that such rates terms and conditions shall in no instance be less than the rates terms and conditions paid and met for like rights service and privileges within said county

(c) To construct and maintain or to lease the right to construct and maintain roads highways bridges tunnels water mains for park purposes where none is now provided and available and other mechanical equipment and appliances appropriate proper and necessary in connection with the construction operation and use of the aforementioned projects by the public on over under along across or through any land and between any points which may be necessary for the construction and maintenance of such projects and the carrying out of the purposes for which said "Authority" is created

(d) To continue as a body corporate and politic for the time specified in this act

(e) To sue and be sued complain and defend in its own name

(f) To have a corporate seal which may be altered at pleasure and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced

(g) To purchase take receive leave as lessee take by gift devise or bequest or otherwise acquire and to own hold use and otherwise deal with any real or personal property or any interest therein situated in the county in which said "Authority" is created and set up which may be appropriate to enable it to accomplish fully and properly its purpose or purposes

(h) To sell and convey lease as lessor and otherwise dispose of all or any part of its property and assets

(i) To borrow money for any or all of the purposes for which it is organized to issue its promissory notes bonds or other forms of certificates of indebtedness with interest as evidence thereof and to secure any of its obligations by mortgage pledge or deed of trust of or on any of its property franchises and income

(j) To enter into any obligation necessary for the transaction of its ordinary affairs

(k) To have and exercise all of the powers and means necessary or essential to effect the purpose of purposes for which the "Authority" is organized

(l) To have and exercise the right and power of eminent domain for the acquisition of real property (the title thereto so acquired being title in fee simple) necessary for and in connection with the business of the "Authority" and for the purposes for which it was created but not to assess levy or collect any taxes of any kind or nature or for any purpose whatsoever specifically to borrow from the Government of the United States or others funds for the construction maintenance and operation of the projects for which said "Authority" shall have been created and to issue its negotiable bonds or other obligations secured by mortgage and trust deed given therefor and to provide for the rights of the holders thereof

(m) To elect a chairman vice-chairman secretary and treasurer and to adopt suitable by-laws for the management of its affairs The Secretary and treasurer need not be member or members of the "Authority"

(n) To appoint and designate such officers agents and employees as it may require for the performance of its duties and fix and determine their qualifications duties and compensations

(o) To make rules and regulations for the management and regulation of its affairs

(p) To enter upon any lands waters and premises within the county in which said "Authority" is created and set up for the purpose of making surveys soundings and examinations

(q) To determine the exact location system and character of and all other matters in connection with anv and all improvements or facilities which it may be authorized to own construct establish effectuate operate or control

(r) To exercise such other powers not inconsistent with the Constitution of this Commonwealth or of the United States which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers except the power to levy taxes or assessments and except to incur any debt for which county shall be liable and generally to exercise in connection with its property and affairs and in connection with property within its control any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs

(s) To dissolve and wind up the "Authority" and specifically when as and if all indebtedness to the United States and all other proper and lawful indebtedness of the "Authority" shall have been fully paid it shall be the duty of the "Authority" through appropriate action of its officers and members to convey and transfer in fee simple free and clear of all debts liens encumbrances and obligations whatsoever to the county in which said "Authority" shall have been created and set up all of the projects improvements structures and operations constructed erected acquired or maintained by said "Authority" during the period of its corporate existence and any and all monies contract bills and notes receivable leases franchises and all other property whether real or per-

sonal of the "Authority" to render to said county by its proper officers full and complete account of all the transactions and business of the "Authority" and to dissolve and wind up its affairs and thereafter cease entirely to exist

ARTICLE II

Section 201 The Governor shall designate a County Committee hereinafter designated "Committee" composed of five citizens of said County who shall have the power to form an "Authority" of said County They shall adopt a resolution signifying their intention so to do

Section 202 The said Committee shall cause a notice of the resolution to be published at least one time in the legal periodical of the county in which the "Authority" is to be formed and at least one time in one newspaper of general circulation published in the county The said notice shall contain a brief statement of the substance of the resolution making reference to this act and shall state that on a day certain not less than three days after publication of the said notice articles of incorporation of the proposed "Authority" will be filed with the Secretary of the Commonwealth

Section 203 On or before the day fixed for the notice above provided for the Committee shall file with the Secretary of the Commonwealth articles of incorporation together with proof of the advertisement required by the preceding section If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the notices required by the preceding section endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles The articles upon being approved and filed by the Secretary of the Commonwealth shall constitute the charter of the "Authority"

Section 204 The articles of incorporation shall be executed and acknowledged by each member of said Committee

Section 205 The articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that an "Authority" is formed under this act

(c) The name of the incorporating county together with the names and addresses of said Committee

Section 206 Upon the issuance of the certificate of incorporation by the Secretary of the Commonwealth the "authority's" existence shall begin The certificate of incorporation shall be conclusive evidence of the fact that the "Authority" shall be incorporated but proceedings may be instituted by the Commonwealth to dissolve wind up and terminate an "Authority" which should not have been formed under this Act or which had been formed without a substantial compliance with the conditions prescribed by this act as precedent to incorporation

Article III

Section 301 The "Authority" shall consist of five members all of whom shall be citizens of this Commonwealth and of the county in which said "Authority" is created and set up and who shall be designated and appointed by the Governor All members shall continue to hold office until their respective successors are appointed and qualified

Section 302 The members shall have entire charge of the "Authoritys" property and affairs and shall for the purpose of doing business constitute a board but no action of the board shall be binding unless a majority of the members of the "Authority" shall vote in favor thereof

Section 303 The "Authorities" shall serve without pay

Section 304 Vacancies in the office of president vice-president secretary or treasurer caused other than by expiration of term shall be filled by election by the members of the "Authority" Vacancies in the membership of the "Authority" shall be filled by appointment by the Governor

Article IV

Section 401 If for any of its authorized purposes the "Authority" shall find it necessary or convenient to acquire or lease any real property in the county in which said "Authority" is created and set up whether for immediate or future use the "Authority" may find and determine that such property whether a fee simple absolute or a lesser interest is required for public use and upon such determination may have and may exercise the right and power of eminent domain to acquire the same However no property now or hereafter vested in or held by any county city borough township political subdivision or other municipality shall be taken by the "Authority" without the consent of such political subdivision or municipality unless expressly authorized by this act and neither shall any property of a public service company be taken except such property as can now be taken by the county commissioners under existing laws

If the "Authority" is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property in the county in which said "Authority" is created and set up for any reason whatsoever then the "Authority" may acquire such real property in the manner provided for the acquisition of such property by counties of the first class in the exercise of the right of eminent domain

The power of the "Authority" to acquire real property by condemnation or the exercise of the power of eminent domain in the county in which said "Authority" is created and set up shall be a continuing power and no exercise thereof shall be deemed to exhaust it

The "Authority" and its duly authorized agents and employees may enter upon any land in the county in which said "Authority" is created and set up for the purpose of making such surveys maps or other examinations thereof as it may deem necessary or convenient for its authorized purposes

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the "Authority" upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the "Authority" including real property already devoted to public use

The term "real property" as used in this act includes lands structures franchises and interests in land including lands under water and riparian rights and any and all things and rights usually included within the said term and includes not only fees simple absolute but also any and all lesser interests such as easements rights of way uses leases licenses and all other incorporeal hereditaments and every estate interest or right legal or equitable including terms of years and liens thereon by way of judgments mortgages or otherwise and also claims for damage to real estate

Section 402 All contracts shall be let and purchases made by the "Authority" in the manner now provided by law relating to contracts and purchases by county commissioners in counties of the second class

Article V

Section 501 Notwithstanding any provisions of this act the "Authority" shall have no power to pledge the credit of the Commonwealth of Pennsylvania or the credit of any county city borough township or other municipality of said Commonwealth or to create any debt of said Commonwealth or of such municipality county city borough or township and the bonds and debts of said "Authority" shall be a lien upon and payable solely from the assets and revenues of said "Authority"

Section 502 The "Authority" within sixty days after the first day of January each year shall cause a complete audit of its affairs to be made by a firm of certified public accountants approved by the county commissioners of the county in which said "Authority" is created and set up and shall furnish a copy thereof to the Governor and the

Mayor of the City of Philadelphia the Federal Emergency Administration of Public Works and if desired to the trustee under any mortgage or deed of trust given to secure any bonds issued by the "Authority"

Section 503 Before entering upon the duties of office the treasurer of the "Authority" shall furnish a bond with at least one corporate surety or three individual sureties in an amount not less than one hundred per centume of the estimated amount of the largest sum which will probably be in the treasurer's hand at one time during the succeeding year Such bonds shall be conditioned for the safe-keeping of the moneys of the "Authority" and faithful performance of the treasurer's duties

In lieu of furnishing surety bond as above provided the treasurer may pledge with any bank trust company or bank and trust company in Pennsylvania which may be agreed upon securities to guarantee safe-keeping of the funds of the "Authority" and faithful performance of his or its duties The securities so pledged shall have a market value of not less than one hundred twenty per centum of the estimated amount of the largest sum which will probably be in the hands of the treasurer at one time during the succeeding year The "Authority" shall have the right to require the pledging of additional securities if and when the securities already pledged shall become depreciated below said value All securities so pledged shall be accompanied by proper assignments or powers of attorney for their transfer

ARTICLE VI

Section 601 The "Authority" is hereby authorized to make and enforce such rules and regulations and to establish levy and collect (or to authorize by contract franchise lease or otherwise the establishment levying and collection of) such tolls rents rates fees and other charges in connection with any properties which it may construct erect acquire own operate or control as it may deem necessary proper desirable and reasonable which said tolls rents rates fees and other charges shall be at least sufficient to meet the expenses thereof including the cost of maintenance and operation thereof and interest and sinking fund or amortization charges as may be required by the Federal Emergency Administration of Public Works and the "Authority" is hereby authorized and empowered to pledge such tolls rates rents fees and other revenues or any part thereof either presently received or to be received in the future or both as security for the repayment with interest and taxes if any of any monies borrowed by it or advanced to it for any of its authorized purposes and as security for the satisfaction of any other obligation assumed by it in connection with such loans or advances

ARTICLE VII

Section 701 The Commonwealth of Pennsylvania and all municipalities and political subdivisions thereof so long as any bonds or other securities or obligations of the "Authority" remain outstanding and unpaid and unless and until adequate provision is made by law for the protection of those advancing money upon obligations shall not diminish or impair the power of the "Authority" to own operate or control its properties and facilities or to establish levy and collect tolls rents rates fees and other charges in connection with such properties or facilities

ARTICLE VIII

Section 801 The effectuation of its authorized purposes by the "Authority" is and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the "Authority" will be performing essention governmental functions in effectuating said purposes the "Authority" shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes and the bonds or other securities or obligations issued by the "Authority" their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania

ARTICLE IX

Section 901 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 902 All acts or parts of acts inconsistent herewith are hereby repealed

Section 903 This act shall become effective immediately upon the approval thereof by the Governor of this Commonwealth

On the question,

Will the House agree to the section?

Mr. FALKENSTEIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 402, page 12, line 4, by striking out the word "second" and inserting in lieu thereof the following: "first"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act providing for the creation of public "Authorities" in counties of the first class; authorizing such "Authorities" to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto, and the Emergency Relief Appropriation Act of 1935, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorites" with the right of eminent domain, and with the power of finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 672, as follows:

A Joint Resolution proposing an amendment to article nine section sixteen of the constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article nine section sixteen of the Constitution of Pennsylvania be amended to read as follows

Section 16 In addition to the purposes stated in article nine section four of this Constitution the State may be authorized by law to create debt and to issue bonds to

the amount of fifty millions of dollars for the payment of compensation to certain persons from this State who served in the Army Navy or Marine Corps of the United States between the twenty-first day of April one thousand eight hundred and ninety-eight and the fourth day of July one thousand nine hundred and two or who served in the Army Navy or Marine Corps of the United States during the World War between the sixth day of April one thousand nine hundred and seventeen and the eleventh day of November one thousand nine hundred and eighteen

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2482, as follows:

An Act to amend section seventy-four of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" as amended requiring the sentencing of women to the State Industrial Home instead of to State penitentiaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seventy-four of the act approved the thirty-first day of March one thousand eight hundred sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" as amended by the act approved the twenty-eighth day of February one thousand nine hundred five (Pamphlet Laws twenty-five) is hereby further amended to read as follows

Section 74 Whenever any person shall be sentenced to imprisonment at labor by separate or solitary confinement for any period not less than one year the imprisonment and labor shall be had and performed in the State penitentiary for the proper district Provided That nothing in this section contained shall prevent such person from being sentenced to imprisonment and labor by separate or solitary confinement in the county prisons now or hereafter authorized by law to receive convicts of a like description Provided further That hereafter women shall not be sentenced to imprisonment in any State penitentiary but instead of imprisonment in a penitentiary shall be sentenced to imprisonment in the State Industrial Home for Women at Muncy

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 292, as follows:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one thousand dollars ($1,000) is hereby specifically appropriated to the Cresson Volunteer Fire Company for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the protection of State property at the Cresson Sanitarium

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1899, as follows:

An Act authorizing and empowering cities of the first class to purchase or acquire by condemnation proceedings such real estate within the city limits as they may need upon which to erect or contsruct municipal buildings fire engine houses gas and electirtc light works and for playgrounds public parks or other municipal purposes (other than laying out opening altering or maintaining roads highways streets or alleys) and within or without the city limits upon which to erect hospitals water works and power houses for the purpose of a poor farm or farms or penal institutions providing and regulating the procedure in purchase and condemnations the right on the part of the city to rescind such condemnations and governing the time and manner of taking possession

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That cities of the first class shall have power to acquire by purchase any real estate within the city limits which they may need upon which to construct necessary municipal buildings fire engine houses gas and electric light works and for playgrounds parks or other municipal purposes (other than laying out opening altering or maintaining roads highways streets or alleys) and within or without the city limits land upon which to erect hospitals water works and for the purpose of a poor farm or farms or penal institution from the owner or owners thereof through such agent of the city as council may from time to time designate who may enter into on behalf of the city a written agreement of purchase and sale with such owner or owners subject to confirmation by said council and in case no agreement can be reached with the owner or owners as to the price thereof or in case the owner or owners thereof are absent or incapacitated for any cause or are unknown or if such owner or owners do not agree upon a price acceptable to the city it shall be lawful for such city to condemn take and appropriate such real estate in the method herein prescribed

Section 2 The council of such city is authorized and empowered to pass a resolution declaring such real estate necessary for the public purpose to which the same is intended to be devoted and setting forth an intention to acquire the same by purchase or condemnation which resolution shall contain a description of the said land with reasonable accuracy Upon the passage of such resolution notice thereof shall be sent to the city solicitor who shall within ten days of the receipt of such notice notify the district surveyor in whose district the lands lie (or a surveyor to be chosen by him in the event that the lands lie outside of the city limits) to prepare a proper detailed plan for the use of the board of viewers showing the lands in question boundaries topography grades names of owners of tracts involved reference to deeds or other instruments whereby such ownership was acquired area and such information generally as may be necessary and proper for the information of all parties interested The surveyor charged with the duty of making and preparing such plan shall forward the same with such blue-prints thereof as may be required to the city solicitor immediately upon its completion

Section 3 Upon notice of the passage of such resolution the city solicitor shall proceed within fifteen (15) days to give notice to all property owners and occupants in so far as possible owning or occupying any of the lands or buildings situate within the area described in the resolution of intention to condemn This notice shall be given by personal delivery or by mail to all those occupying the properties and to all registered owners resident within the county The city solicitor shall in addition publish in a newspaper of general circulation within the county a

notice of the resolution describing the property proposed to be condemned once a week for two weeks Such notice shall in addition set forth that upon the completion of the plan application will be made by the city solicitor to the court for the appointment of a board of view to assess damages and benefits

Section 4 The city solicitor shall within ten days of the receipt of such plan and in any event within six months from the passage of such resolution by council present a petition to the court of common pleas of the county in which the said city is situate setting forth the passage of the resolution and praying for the appointment of a board of view to assess the damages and the benefits whereupon a board of view of three members shall be appointed by the court in accordance with the provisions of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws one hundred twenty-three) and the board of view so appointed shall thereupon proceed in accordance with that act to determine the amount of damage to which any owner or owners of real estate taken injured or destroyed by the proposed condemnation sall be entitled and also to determine the benefits acruing to any land contiguous to or abutting upon the land so appropriated

Section 5 The city council shall within six months from the date of the filing of the report of the board of view either confirm the original resolution of intention to acquire such real estate as therein described by an ordinance condemning and appropriating the same for public use with such further provisions and directions to the appropriate officers of the municipality in regard to carrying out the purpose of the condemnation as said council may see fit including the notification of the property owners of the intention of the said city to enter upon and take possession of the land or property at the expiration of three months from the date of such notice or shall rescind such original resolution and abandon the condemnation provided that the failure on the part of said council to confirm the resolution and condemn and appropriate the real estate by ordinance passed within six months from the date of the filing of the report of the board of view shall have the same force and effect as the passage of a resolution rescinding such original resolution and abandoning the condemnation of real estate in question

Upon the passage of a resolution by council rescinding such resolution to condemn and abandoning the condemnation a certified copy thereof shall be given by said council to the city solicitor within ten days of the date of its approval or final passage and the city solicitor shall file such certified copy within ten days of its delivery to him in the court of common pleas in which the original petition for the appointment of a board of view was filed to the same term and number

Upon the elapsing of the period of six months from the filing of the report by the board of view without the passage by council of an ordinance confirming such resolution and condemning the real estate as therein mentioned for public use or within ten days from the filing of such certified copy of the resolution rescinding such resolution and abandoning the condemnation it shall be the duty of the city solicitor to present a further petition to the said court of common pleas praying that the report be referred again to the board of view for the determination of the reasonable and necessary costs and expenses which may have been incurred by the owners of property affected or leased thereof by reason of the said resolution of intention to acquire and the proceedings thereunder

Section 6 Upon the filing of a report of a board of view awarding damages and assessing benefits if any in all proposed condemnations which are afterwards confirmed by ordinance all awards therein of damages and assessments of benefits not appealed from within thirty days from the filing of the report shall become absolute upon the passage of an ordinance confirming the original resolution and condemning the real estate therein described

Section 7 It is hereby provided that no ordinance confirming any resolution of intention to condemn and condemning real estate shall be valid or have any force or effect to condemn such real estate unless before the passage of such ordinance council shall provide the total amount of damages as found and awarded by and in the report of the board of view in the proceeding less the benefits therein and thereby assessed either by appropriation or other provision whereby such sum shall be made available in the hands of the city treasurer for payment to the owner or owners thereof before the expiration of the three months' notice to owners and occupants to vacate Provided always nevertheless That in any matter in which an emergency exists or where the necessity to first provide the necessary funds would prejudice the public rights or needs by direction of council a petition may be presented by the city solicitor as petitioner to the court wherein the original petition for appointment of a board of view was presented and to the same term and number setting forth the facts and the court is hereby authorized and empowered upon proper cause shown to enter a decree granting to council the power to pass an ordinance of condemnation at any time in the proceedings without the prior appropriation or provision for the funds and after three months' notice to the owners of such real estate (either actual notice to registered owners resident in the county or by posting or publication as at present practiced or by such method as the court may direct) the city may enter upon and occupy for public purposes the real estate as condemned Provided also however That no resolution of intention to condemn other real estate shall thereafter be passed by council until the funds have been provided in the hands of the city treasurer for payment to the owner or owners of the lands or property so taken under this emergency power if a report of the board of view has been filed in the matter or if no report has yet been filed until the city has paid into the court of common pleas which granted the decree an amount which the city by writing filed of record by the city solicitor accompanied by affidavits of two reputable real estate brokers as to the damage admitted to be the just and reasonable compensation due to the owners or occupiers of the real estate so taken damaged or destroyed

Section 8 Before entering upon and taking possession of real estate so condemned or injuring or destroying the same (excepting as provided in section seven) the damages awarded by the board of view in its report filed shall be paid to the persons in whose favor the award or awards were made in all cases wherein no appeal has been taken from such awards within thirty days from the filing of the report But in case in which an appeal has been taken by a claimant the city may enter upon and take possession of the real estate of said claimant provided such city shall first pay into the court of common pleas in which the appeal is pending the amount of the award made to said claimant in the report of the board of view and in cases in which the city has appealed such amount as the city may by writing filed of record by the city solicitor in said court of common pleas admit to be due any person or corporation whose real estate is to be taken injured or destroyed and not damages for detention or interest shall be recoverable by an claimant as respects the amount so paid into court

Section 9 Any claimant may upon the payment into the court of common pleas having jurisdiction of the matter of the amount so found or admitted to be due to him move for a rule upon the city to show cause why the said amount so paid into court should not be paid to him and upon his furnishing to the city solicitor of a satisfactory policy of insurance to be issued by a reputable title insurance company (the cost whereof shall be taxed as costs in the case) insuring the city against loss by reason of the payment of said sum to such claimant the court may in its discretion make such rule absolute and direct the payment to be made

Section 10 The time as of which the value of real estate taken injured or destroyed shall be determined shall be the date of the original resolution of council declaring the intention to acquire or condemn except in cases of condemnation upon emergency as provided in section seven of this act in which cases the value and damages shall be determined as of the date of the actual taking appropriation injury or destruction In all cases in which the amount awarded by a board of view or admitted by the city as above provided shall have been paid into court no damages for detention shall be allowed in any verdict or judgment thereafter rendered or entered in the

matter as respects the amount so paid into court whether or not the same has been withdrawn and paid to the claimant

Section 11 In the event that any appeals from the assessment of benefits or the award of damages in any report of a board of view (which appeals shall be taken to the court of common pleas as heretofore within thirty days of the filing of such report) shall be listed for trial before the final determination by city council as to the confirmation or the abandonment of the condemnation the trial shall be proceeded with and verdict rendered but no judgment shall be entered upon the verdict until the passage of an ordinance confirming the resolution of intention to condemn and appropriating and condemning the property Upon the abandonment of the condemnation in question either by ordinance abandoning the condemnation or by failure to pass an ordinance of condemnation within six months as provided in this act the court shall upon motion set aside the verdict as rendered

Section 12 It is hereby declared that no portion of this act is intended to change or modify the procedure as now provided by law for the board of view for the assessment and determination of damages and benefits to real estate in proceedings arising through the exercise of the power of eminent domain

Section 13 The provisions of this act are severable and if any of the provisions thereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 14 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration House Bill No. 1534 (Senate Bill No. 42), as follows:

A Supplement to the act approved the eighteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred forty) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" prescribing the practice to be pursued in such proceedings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That (a) Every proceeding for a declaratory judgment shall be commenced by a petition filed in a court of record having jurisdiction over causes of action complaints or subject matters of the kind involved in the controversy alleged

(b) The petition shall be as brief as the nature of the case will admit and shall be drawn in paragraphic form the paragraphs to be numbered consecutively and each to contain but one material allegation It shall have attached as exhibits copies of all writings depended upon by the petitioner or the construction of which he desires determined and shall conclude with a prayer for the declaratory judgment or decree the petitioner asks to be entered

Section 2 (a) The petition shall have endorsed thereon a notice to the defendant or defendants as follows "You are required to file an answer within fifteen days from the service of this copy upon you and to enter a written appearance in the court named to the term and number stated hereon specifying a person and a place within the county where service may be made upon you of all other papers processes and notices in the case If you fail in either respect a declaratory judgment or decree may be entered against you in your absence

(b) Petitions for declaratory judgments shall be served and return made in the same manner as in the case of summons

Section 3 If no answer is filed within the specified fifteen days the facts averred in the petition shall be taken as admitted and the court may if it deems the case a proper one for such relief enter an appropriate declaratory judgment or decree If the court reaches a contrary conclusion it may dismiss the petition or make such other order as right and justice may demand

Section 4 If the court finds that any person who has claims or might claim an interest which would be affected by the judgment or decree prayed for has not been served with a copy of the petition it may require the petitioner to bring in such person or persons by serving a copy of the petition on it him her or them with an endorsement thereon as provided for in section two of this act and such service shall make all persons so brought in parties to the proceeding

Section 5 A defendant may by his answer without first replying to the averments of fact in the petition raise any question of law which goes either to the jurisdiction of the court or to petitioner's legal right to have the disputed matter determined in this character of proceeding and any such question of law may be set down for hearing and disposed of in limine If in the opinion of the court the decision of the question thus set for hearing requires the determination against the petitioner of the point or points there raised the court may make such order thereon as the situation demands If the court shall decide such points so raised against a defendant he may within fifteen days file an answer to the averments of fact in the petition and the case shall be set down for a hearing on the merits of the controversy

Section 6 If the petitioner or a defendant desires any issue of fact to be tried and determined by a jury he shall so demand in his petition or answer and if no such demand is made its absence shall be treated as equivalent to an agreement to dispense with trial by jury and that all issues of fact as well as those of law may be determined and found by the court subject to exceptions and appeal as in equity cases

Section 7 Nothing in this act shall prevent a court from entering a declaratory judgment or decree in any civil proceeding suit or action no matter how commenced where all parties to be affected are actually in court or have had such notice of the proceeding suit or action as is required by law and where the court is convinced that such a judgment or decree is appropriate and proper to be entered

Section 8 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2668, as follows:

An Act to amend section two hundred three of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan association providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and

certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by making the moneys in the Banking Department Fund available for the reimbursement of the General Fund for certain services rendered or suplied by certain departments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred three of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 203 Appropriations for Expenses of Department Receipts A All moneys collected or received by the department arising from fees assessments charges and penalties from the sale by the Department of Property and Supplies of unserviceable property originally paid for out of the Banking Department Fund and from similar sources are hereby specifically appropriated to the Department of Banking to be used to pay its expenses including the following

(1) Salaries of the secretary the deputies the examiners the other employes of the department and such deputy attorneys general special deputy attorneys general assistant deputy attorneys general and other counsel as may be assigned by the Department of Justice to the department or to the handling of any legal business pertaining to its work

(2) Rental and other expenses for offices rooms garage space and other accomodations outside of the Capitol Buildings either in or outside of the capital city occupied by the department

(3) Premiums for workmen's compensation insurance covering the officers and employes of the department

(4) Premiums for surety bonds for such officers or employes of the department as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the department for full-time use including premiums for liability insurance covering such motor vehicles and the department officers and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the Department of Banking

(6) Furniture stationery materials supplies and all other overhead expenses of the department

(7) For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Banking Department Fund and in auditing annually periodically or specially the affairs of the Department of Banking at such amounts as the Department of the Auditor General with the approval of the executive Board shall determine for payment to the Treasury Department of the cost of making disbursements out of the Banking Department Fund on behalf of the Department of Banking at such amounts as the Treasury Department with the approval of the Executive Board shall determine for payment to the Department of Property and Supplies for space occupied in the Capitol Buildings and for water light heat power telephone and other services utilized and consumed by the Department of Banking at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

B Estimates of the amounts to be expended under this act by the Department of Banking either itself or through the Department of Property and Supplies as purchasing agent shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Banking or by the Department of Property and Supplies as its agent in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Banking Department Fund at the time of the making of any such requisition

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1373 entitled:

An Act relating to local taxation establishing a centralized system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of all county borough town township and certain school and poor taxes except in certain cases through the county treasurer as county tax collector defining the powers and duties of the county tax collector and of counties boroughs towns townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the second third fourth fifth sixth seventh and eighth classes a centralized county system for the collection of all county borough town township school and poor taxes is hereby established

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 4, by striking out the words "third, fourth, fifth, sixth, seventh"

Amend Sec. 1, page 2, line 5, by striking out the words "and eighth,"

On the question,

Will the House agree to the amendments?

Mr. MOOMAW. Mr. Speaker and members of the House, I rise to oppose this amendment. This bill is designed to set up a centralized tax collection system in all of those classes of counties except the county of the first class which at the present time has a centralized system of tax collection.

You gentlemen will note that this amendment strikes out all classes of counties with the exception of the second class. If this amendment were to be included in this bill, it would make it exclusively an Allegheny county measure. I know that practically all of the counties in this Commonwealth want a more equitable form of tax collection, and that is what is proposed in this measure. By taking into consideration this amendment, you might as well take in the second class and defeat the bill entirely. A vote for this amendment would in every instance be construed as a vote against the bill in its entirety. I therefore ask you to oppose this amendment.

Mr. WOODSIDE. Mr. Speaker and members of the House, as was suggested by the sponsor of this bill, the amendment which I have proposed would take out of it every county except Allegheny. There has not been befor this House during this session a bill which had as much pressure behind it as this bill. In my own county it has been the issue of the year. The newspapers have made extravagent statements explaining what it will bring about. The sponsors of this bill have stated that it will save $3,000,000 until they almost believe it themselves. They have brought in here to speak for this bill high officials from the state of Indiana; they have brought here to speak for this bill officials from the state of Ohio; they have brought before the Committee high paid lawyers from Philadelphia.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, will state his point of order.

Mr. ANDREWS. Mr. Speaker, the gentleman from Dauphin, is discussing the merits of the bill as a whole and is not in any way confining his remarks to reasons justifying the amendment now pending before the House.

The SPEAKER. The gentleman will confine himself to the amendments to the bill.

Mr. WOODSIDE. Mr. Speaker, in order to persuade the counties of the third, fourth, fifth, sixth, seventh and eighth classes to accept this bill, the proponents brought here pamphlets which had our names printed on them, done up in fine order, and all the while the newspapers shouted about money and the existent tax collector's lobby. There was more information and more misleading information brought by the supporters of this bill than on any other bill that was before this House during this session. In spite of all this information, in spite of all the newspaper publicity, in spite of the fact that the daily newspapers of my own district took it as the outstanding issue of the session, in spite of all that, there has not been a single person from my district who has stated that he is in favor of this legislation. I say, members of the House, go back and talk to your constituents about this, and those of you who are from the third, fourth, fifth, sixth, seventh and eighth classes of counties will find almost to a man that they are opposed to it unless they are being driven into line by some group or some organization. I have talked about it to my constituents. I have had a few of them talk to me about it, and I haven't found a single one who is in favor of this bill.

I say to the members of this House if Allegheny county wants it and it appears to me that it is the only county that really and truly wants it, then I say, let them have it, but to the oher classes of counties, which I feel sure do not want it, I say let us not have it.

Mr. REISING. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin, Mr. Woodside, permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. REISING. Mr. Speaker, may I ask the gentleman from Dauphin what class county he is from.

Mr. WOODSIDE. Mr. Speaker, a fourth class county.

Mr. REISING. Mr. Speaker, may I ask the gentleman from Dauphin, if there has been a request from any citizen of a sixth class county to him, asking him that he offer such amendments.

Mr. WOODSIDE. Mr. Speaker, there has not been.

Mr. REISING. Mr. Speaker, may I ask the gentleman from Dauphin, if he does not think that he has assumed some prerogative here that probably better belong to others.

Mr. WOODSIDE. Mr. Speaker, I do not get that question.

Mr. REISING. Mr. Speaker, I would like to ask the gentleman from Dauphin if he does not think that he has assumed a right upon himself to include in the amendment fifth class counties, when fifth class counties have not requested him to do so.

Mr. Woodside. Mr. Speaker, in answer to that question, I merely wish to state that from talking to members of the House, I have found that they have been almost unanimously opposed to the bill, with the exception of the members of the second class counties. If the members from the sixth class counties feel that they want this bill, I have no objection to their being included in it, but I have noticed from speaking to different members as to what they truly feel concerning this bill, that they are almost unanimously opposed to it.

Mr. REISING. Mr. Speaker and members of the House, I rise to oppose these amendments for the simple reason that there has been a great expense added to the collection of taxes in the state of Pennsylvania, much of which could be easily eliminated by a more centralized system of tax collection. There is approximately $336,000,000 collected in the state of Pennsylvania annually, at a cost of around $5,000,000, possibly a little more, while over in the state of Ohio, our neighbor, they collect with a centralized system. $324,000.000 at a cost of approximately $1,185,000 per year.

It seems to me that we are spending a lot of money that should be used and most properly be used to a much greater advantage than paying commissions to tax collectors, and where there are so many duplications and other expenses incident to the collection of taxes, and I feel that we should now begin to realize that every tax dollar that we can save for the tax payer we are strengthening the foundation upon which our nation is being built, because at this time with the selling of homes and farms, the closing of schools and many other things that are brought about through the economic forces that have followed our expensive and extravagant system of tax collection, it is only fair to ourselves and to our people to give them the benefit of every dollar that we pay out in

taxes rather than to maintain a system of distributing,—well we will say, jobs to a lot of people that are just tax receivers rather than tax collectors. So I ask you to vote down these amendments.

Mr. ANDREWS. Mr. Speaker and members of the House, the discussion has concerned the merits of the bill as a whole, whereas the matter pending is a specific amendment. I believe that the gentleman from Dauphin has informed you and has admitted that this bill presents an issue and is entitled, herefore, to be faced on the basis of a vote. The gentleman from Dauphin by his amendment does not propose a vote but endeavors to perform a surgical operation and remove the issue. I would say to the members of this House that the way to handle this proposition is for the gentleman from Dauphin to hit this bill in the face in the regular way, with the issue pending. I say to the members of the House that instead of amending this bill, if we are so disposed, let us soak it on the jaw, but the gentleman from Dauphin proposes to stab it in the back.

Now, ladies and gentlemen of the House, that has not been the disposition on this side of the Chamber, and it has heretofore not been the disposition on the other side of the Chamber. There is no need for equivocation. There is an issue. The amendment proposed by the gentleman from Dauphin removed the issue I believe and I hope you believe that the issue should remain, and that therefore the amendments submitted by the gentleman from Dauphin should fall.

Mr. WOODSIDE. Mr. Speaker and members of the House, I am not afraid to face any issue. It is not with the idea of removing any issue that these amendments were introduced. The question before the House and properly before it is whether this bill should be applicable to the districts of the third, fourth, fifth, sixth, seventh and eighth class counties, and that is a fair issue, which is directly before this House.

I want to say one other thing, if I felt this bill would be a real saving to the taxpayer, I would be for it, but after very careful consideration and very careful examination I am convinced that it will not only work a hardship upon the taxpayer but that it will not save him one red copper.

Mr. MOOMAW. Mr. Speaker and members of the House, the gentleman from Dauphin, Mr. Woodside, has spoken of the third, fourth, fifth, sixth, seventh and eighth class counties, whereas he only represents a fourth class county. I personally represent a sixth class county, and I have received any number of letters and have had personal conversations asking when this bill was going to be acted upon as they desired to see it put into active legislation.

Speaking of these other counties of various sizes, in other states where similar forms of legislation have been in operation for a number of years, covering all the various class counties in sizes comparable with each and every size of county within the Commonwealth of Pennsylvania, it is in successful operation, in form similar to this measure in nearly three-fourths of the states of the Union, and not in one instance have they ever attempted to legislate it back into a form of tax collection similar to what we have here in Pennsylvania. So, most assuredly if that form of tax collection can work successfully in those other states at a more economical cost of tax collection, it can work in Pennsylvania for the benefit of the taxpayers the same as it does in those other states. Therefore I again ask you to vote down this amendment so this bill can be made effective for all the counties of the Commonwealth so that all the counties of the Commonwealth can derive the good therefrom.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Moomaw and Mr. James W. Patterson.

Mr. ANDREWS. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—95

Achterman,	Haberlen,	Nothnagle,	Stank,
Altenburg,	Hamilton, R. S.,	O'Neill,	Stewart,
Baldi,	Hart,	Perry,	Stockham,
Barnhardt,	Hefferon,	Peters,	Stott,
Bernhard,	Hermansen,	Phillips,	Surface,
Blumberg,	Hetrick,	Piole,	Tahl,
Boyd, R.,	Hirsch,	Reynolds,	Terry,
Bradley,	Hoffner,	Rhys,	Trout,
Brennan,	Horst,	Rinn,	Turner,
Castor,	Jackson,	Roan,	Van Allsburg,
Coakley,	Jones,	Root,	Van Sickle,
Cochran,	Kane,	Ruth,	Wall,
Coleman,	Kelder,	Schrock,	Wasserman,
Conner,	LaRue,	Schrope,	White,
Davies,	Linderman,	Shortz,	Wickersham,
Denning,	Male,	Siegel,	Winner,
Downey, J. J.,	Mason,	Simon,	Witkin,
Duffort,	McDevitt,	Simpson,	Wood,
Ferko,	McHenry,	Sinwell,	Woodside,
Flynn,	Mentzer,	Snyder, F. E.,	Yeakel,
Forrest,	Merrell,	Snyder, J. L.,	Yourishin,
Gates,	Moore,	Sowers,	Zimmerman,
Green,	Muir,	Spangler,	Sarig,
Habbyshaw,	Munley,	Sproul,	

NAYS—94

Alexander,	Coolahan,	Kelso,	Patterson, J. W.,
Allen,	Cordier,	Kilroy,	Pearson,
Andrews,	Dent,	Kinney,	Pfaff,
Arnold,	Diehl,	Klingler,	Powers,
Atkins,	Dilley,	Kobelak,	Reising,
Aukerman,	Downey, G. E.,	Long,	Ruffennach,
Baine,	Eberharter,	Lovett,	Sarraf,
Baker, F. T.,	Eroe,	Lynch,	Scanlon,
Baker, J J.,	Falkenstein,	McCreary,	Schwab,
Barber,	Finnerty,	McDermott,	Shaw,
Boose,	Fitch,	McElroy,	Shepard,
Boyer,	Flanagan,	McKinney,	Shugarts,
Brancato,	Flinchbaugh,	Melchiorre,	Sloan,
Brown, H. S.,	Furman,	Moomaw,	Stevens,
Brown, J. E.,	Gerard,	Mooney,	Sumney,
Brumbaugh,	Hagerty,	Moran,	Tronzo,
Burke,	Haluska,	Murrin,	Tumelty,
Cannon,	Hamilton, F. P.,	Nagel,	Walker,
Caputo,	Harkins,	O'Keefe,	Weiss,
Carr,	Harmuth,	Ominsky,	Welliver,
Carson,	Hartman,	Panton,	Welsh,
Chervenak,	Hindman,	Parks,	Westrick,
Cohen,	Holstrom,	Patterson, C.,	Zappala,
Condon,	Hoopes,		

So the question was determined in the affirmative and the amendments were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Short Title This act shall be known and cited as "The County Tax Collection Law"

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 2, page 2, line 9, by inserting after the word "The" the following: "Second Class"

On the question,
Will the House agree to the amendment?
It was agreed to,

On the question,
Will the House agree to the section as amended?
It was agreed to.

The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twnty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth and thirty-fifth sections were separately read and agreed to as follows:

Section 3 Definition of Certain Words The term "corporate authorities" as used in this act shall be construed to mean (a) the county commissioners of any county (b) the burgess or council or both of any borough or town (c) the board commissioners of any township of the first class (d) the board of township supervisors of any township of the second class (e) the board of school directors of any school district and (f) the managers directors or overseers of any poor district

Section 4 Application of Act This act shall apply to the collection of all county borough town township school and poor taxes except that this act shall not apply to (a) the collection of city and school taxes in cities of the first second and third class or to the collection of poor taxes in any such city where a poor tax is credited for such purposes only within such city or (b) the collection of county city school and poor taxes in cities of the second class A

Nothing contained herein shall be construed to prevent the county commissioners from appointing the city treasurer of any city of the third class as the collector of such collection by salary to be fixed by the county comcounty taxes in such cities provided that he is paid for missioners but if such appointment is not made then such county taxes shall be collected in such cities by the county tax collector as herein provided This act shall be construed as providing an exclusive method for the collection of all local taxes in said counties boroughs townships towns school districts and poor districts except as above excepted and taxes on unseated lands and except as to the return of property to county commissioners for the collection of delinquent taxes by county treasurers' sales and as to the filing and collection of tax claims in and through the office of the prothonotary

Section 5 Schedule of Tax Collections Until Expiration of Terms of Collectors Now in Office The tax collectors of the various counties boroughs townships school and poor districts shall continue in office until the end of their respective terms and shall continue to perform the duties possess the powers receive the emoluments of office and be subject to the liabilities and penalties provided by existing laws but if any vacancy shall occur or exist in any of said offices of tax collector said vacancy shall not be filled In such cases the taxes in the unit where the vacancy occurs or exists except in units for which duplicates have already been issued at the effective date of this Act shall be collected by the county tax collector crated by this act Provided That the salary hereinafter provided for shall not be payable to the county tax collector until such time as the system herein provided shall be in full and complete operation and pending such time he shall for the duplicates placed in his hands receive such compensation as the salary board hereinafter provided for shall fix which compensation plus other costs of collection and clerical hire shall be paid one-half by the county and one-half by the units for which he is so collecting taxes said one-half to be allocated according to the method provided in section fifteen of this act

Duplicates of taxes shall so long as said collectors of local taxes are in office be delivered to them and taxes collected by them as now provided by law After the expiration of the terms of the tax collectors now in office or when the office becomes vacant prior to the expiration of such terms the office of each such county borough town township school and poor district tax collector and of the county tax collectors in cities whether for the collection of current or delinquent taxes is hereby abolished and thereafter all such taxes shall be collected only by the county tax collector provided by this act but nothing herein contained shall be construed to abolish any such office in any unit to which this act does not apply

Section 6 Levy of Taxes Publication of Notice The corporate authorities of each county borough town and township and of each poor district and school district other than those coextensive with or located wholly within cities shall annually fix their respective levies of taxes including the amount of any poll or per capita tax which shall be certified to the board for the assessment and revision of taxes or county commissioners as the case may be not later than the fifteenth day of May of each year together with their respective warrants directed to the county tax collector authorizing him to collect taxes levied and assessed in their respective units as will appear upon the duplicates to be furnished to him

After the fifteenth day of May of each year the county commissioners or the board for the assessment and revision of taxes as the case may be shall give notice by consolidated statement of the respective tax levies which have been made and certified by the several taxing units Such notice shall state the rates of tax levied by each taxing unit and when taxes become due and payable the discounts for prompt payment when taxes are payable at face when the same shall become delinquent the rate of penalty imposed for delinquency and when interest will be added to the tax Said notice shall be published twice during the month of June in three newspapers of general circulation as defined by the Newspaper Advertising Act approved May sixteenth one thousand nine hundred and twenty-nine if so many newspapers are published in the county

Section 7 Duplicates Contents Until the expiration of the terms of the various tax collectors now in office duplicates for all county borough town township poor district and school district taxes shall be prepared as now provided by law and be delivered to such tax collectors Thereafter all such duplicates shall be prepared by the board for the assessment and revision of taxes or the county commissioners as the case may be and shall be delivered to the county tax collector not later than the first day of July of each year Duplicates shall be written for each taxing unit and shall show substantially (a) the name and residence of each taxable (b) the location and valuation of each parcel of real estate of such taxable (c) the valuation of personal property including intangibles taxable for county purposes only (d) the valuation of the occupation of each taxable (e) the amount of any occupation tax poll or per capita tax levied by any taking unit (f) the rates of taxation of the various taxing units and (g) the several amounts of taxes due by each person to each respective taxing unit Copies of such portion of the duplicate as pertains to each taxing unit shall be furnished to each unit

Section 8 Duplicates Public Records Form All duplicates shall be public records and shall be admissible in evidence in the same manner as other public records All duplicates shall be preserved in the office of the county tax collector at the county seat

It shall be the duty of the Department of Internal Affairs immediately after the passage of this act to prepare a model duplicate or duplicates arranged substantially in accordance with this act

Section 9 Preparation of Duplicates for Independent School Districts and Certain Poor Districts In the case of any independent school district or a poor district embracing territory in more than one municipal district the duplicates shall be prepared for each municipal district as the hereinbefore provided but shall set forth specifically opposite the name of each taxable the school district or poor district to which the taxes charged in the duplicates are payable

Section 10 Tax Bills to Taxables Contents With the preparation of the duplicates the board for the assessment and revision of taxes or county commissioners as the case may be shall cause to be prepared a tax bill for each taxable whose name appears on the duplicates Such tax bill shall contain (a) the name of the county and the name of the city borough town or township in which the taxes are assessed (b) the rates of taxation levied by the county borough town township school district and poor district in which the person is taxable (c) the location and valuation of each parcel of real estate of the taxable (d) the valuation of the personal property taxable for county purposes only (e) the valuation of the occupation of the taxable (f) the occupation poll and per capita taxes levied by the respective taxing units (g) the full amount of county borough town township school and poor taxes for which the taxable is liable (h) if an installment system for tax payments has been established a statement when each installment of all of said taxes becomes due and delinquent and the additional percentage which will be added to the several installments as a penalty (i) if no installment system of tax payments has been established and as to those taxes not paid on the installment plan a statement of the discount and time before which the same may be secured the time during which taxes are payable at face and when the penalty will be added stating the same and (j) the places where such taxes are payable

Such tax bill shall be mailed by the county commissioners or board for the assessment and revision of taxes to the last known address of each taxable not later than the first day of July of each year

Model forms of such tax bills and of tax receipts shall be prepared by the Department of Internal Affairs The tax bill may be used for receipt purposes where a stub or duplicate is attached thereto showing substantially the same information which stub or duplicate may be detached from the bill for record purposes

Section 11 County Treasurer Designated as County Tax Collector The county Treasurer of each county shall as the terms of the various tax collectors now in office expire become the collector of all county borough town township school and poor taxes levied and assessed by said units coming under the provisions of this act and shall be known as the county tax collector He shall give a fidelity bond within 60 days after he takes office and yearly thereafter to the Commonwealth in an amount to be fixed by the county commissioners and with surety corporate or personal to be approved by the court of quarter sessions Such bond shall contain a warrant of attorney to confess judgment thereon and shall be conditioned that such county tax collector shall together with all the penalties and interest thereon account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The county tax collector and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) certified to the proper taxing authorities for entry as liens in the office of the prothonotary or (3) returned to the county treasurer for sale or (4) in the case of occupation poll and per capita taxes a record of those which remain uncollected is filed with the proper taxing authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes Said bond shall be deposited with the controller of the county where such office exists and in all other cases with the county commissioners The cost of procuring said bond shall be an item of the cost of collection of taxes and shall be paid by the county and the several boroughs towns townships school districts and poor districts in the proportion hereinafter provided for

Section 12 Appointment of County Tax Collector in Certain Cases Where any county tax collector is unable to furnish a proper bond within the time fixed by this Act or fails to finally settle all duplicates in his hands for any year in accordance with this act a vacancy in the office of county tax collector shall exist and the county commissioners shall immediately appoint a citizen of the county as county tax collector who shall hold office until a new county treasurer is duly elected and qualified The county tax collector so appointed shall furnish bond in like manner and shall have all the rights powers privileges and emoluments conferred upon and be subject to all the liabilities and penalties of the county tax collector as provided by this act and by the laws of this Commonwealth Any such appointed tax collector in addition to the compensation herein fixed for the county tax collector shall receive such additional compensation as the salary board as provided for in section fourteen of this act shall fix Any further vacancy happening in said office after any such appointment shall also be filled in the manner as herein provided

Section 13 Salary of County Tax Collector Each county treasurer in addition to the compensation which he receives for acting as such shall receive an annual salary as county tax collector of four thousand dollars ($4,000) in counties of the second class three thousand dollars ($3,000) in counties of the third class two thousand dollars ($2,000) in counties of the fourth class one thousand five hundred dollars ($1,500) in counties of the fifth class one thousand dollars ($1,000) in counties of the sixth class seven hundred fifty dollars ($750) in counties of the seventh class and five hundred dollars ($500) in counties of the eighth class

Section 14 Appointment of Clerks Salaries When the system herein provided shall be in full and complete effect the county tax collector shall have power with the consent of the salary board in counties where such board exists otherwise with the consent of the county commissioners to appoint such clerks as may be deemed necessary to carry into complete effect the provisions of this act one of said clerks to be designated as the deputy county tax collector The salary of such clerks shall be fixed by the salary board of the county In counties where no such board now exists the county commissioners and county treasurer shall act as a salary board for the purposes of this act To assist the county tax collector in the collection of taxes the county commissioners with the consent of the board for the assessment and revision of taxes in counties where such board exists may assign to the county tax collector any of the surbordinate assessors or clerks of said board when their services are not required by it but such assessors and clerks shall receive no additional compensation for such service

The additional salary of the county treasurer and the salaries of the clerks to the county tax collector including the salary of any assigned clerk during the time of assignment shall constitute an item of the cost of the collection of taxes and shall be apportioned as hereinafter provided

Section 15 Division of Cost of Preparing Duplicates Notices to Taxables and Collection of Taxes The board of county commissioners shall keep an accurate account of all moneys expended for books supplies stamps salaries including the salary of the county tax collector clerical hire and other expenses incidental to the preparation of duplicates the preparation and mailing of tax bills advertising costs and the collection of taxes One-half of such entire cost and expense shall be paid by the county The remaining one-half of such cost shall be paid by the several boroughs towns townships and school districts and poor districts which levy their taxes separately from the county tax levy in the proportion that the amount of the tax shown on the duplicate for the particular unit bears to the total amount of taxes on the duplicate for all of said unts All of such costs and expenses shall be paid in the first instance by the county The county commissioners shall once each year certify the amount due by each of said unit and request payments thereof In case any such unit shall neglect to pay its proportion of such expense within ninety days after notice so to do the same shall upon certification by the county commissioners be deducted from the funds then or thereafter in the hands of the county tax collector belonging to such unit and the county tax collector is hereby directed to pay any such amount into the county treasury and the receipt of the county commissioners shall exonerate the county tax collector from the payment of such amount to the unit

Section 16 County Tax Collectors to be Responsible for Collections Life of Warrants Surrender of Duplicates

to Successor The county commissioners shall charge the whole amount of taxes in the several duplicates to the county tax collector Each county tax collector shall be responsible for the collection of all taxes charged in the several duplicates delivered to him during his term of office except such as are legally returned for non-payment or abated or exonerated as herein provided The warrants attached to the several duplicates shall be effectual for the collection of taxes for a period of two years The executors and administrators of any county tax collectors shall not have power to enforce the collection of unpaid taxes but such taxes shall be collected by the successor to a deceased county tax collector with all the powers of the county tax collector The county tax collector upon the expiration of his term of office shall surrender all unsatisfied duplicates in his possession to his successor in office who shall continue and be responsible as herein provided for the collection of unpaid taxes charged in such duplicates in the manner provided by this act The tax accounts of the county tax collector with each district shall be adjusted and balanced to the satisfaction of the incoming tax collector and the taxing authority of each unit before any release of the bond of the outgoing tax collector shall be given Provided That if any surety on any such bond is of the opinion that the incoming tax collector or the taxing authority of any unit unreasonably refuses to signify his or their satisfaction with any such adjustment or balance such surety may apply to the court of common pleas of the county to have such bond released notwithstanding such refusal and if it shall appear to the court that such tax accounts have in fact been adjusted and balanced in a satisfactory manner it shall enter an order releasing the bond of such outgoing tax collector

Section 17 Delivery of Duplicates to County Tax Collector Warrants to be Attached The board for the assessment and revision of taxes or the board of county commissioners as the case may be shall not later than the first day of July of each year deliver to the county tax collector the several duplicates prepared by them showing the taxes to be collected for county borough town township school and poor purposes To such duplicates shall be attached the warrants issued by the corporate authorities of the county and the several boroughs towns townships school and poor districts authorizing the county tax collector to collect receive and receipt for all taxes levied within the respective units

Section 18 Lien of Taxes All county borough town township school and poor taxes levied and assessed upon real property and the penalties and interest thereon shall be a first lien upon such property from the time they become due and such lien shall continue and remain a valid lien in accordance with existing laws relating to tax liens

Section 19 Banks Authorized to Receive Taxes The county tax collector shall have authority to appoint any bank savings bank and trust company or trust company located within the county as a deputy county tax collector for the sole purpose however of receiving and receipting for taxes paid to it at its place of business The county tax collector shall not be held responsible for losses occasioned by the failure of a bank savings bank bank and trust company or trust company for moneys received as deputy unless he had knowledge of the unsound condition of the institution when it was appointed a deputy collector Each bank savings bank bank and trust company or trust company acting as a deputy county tax collector shall within five days after the last day of each month transmit to the county tax collector all tax moneys received during the preceding month ending with the last day of the month Each such transmittal of funds shall be accompanied by a statement itemized to show the individual tax payments included No bank savings bank bank and trust company or trust company shall be allowed any compensation or commission for acting as a deputy county tax collector other than expenses actually incurred in transmitting moneys and records of payments to the county tax collector and any premium or other costs of the bond given by the bank as herein provided All such expenses including costs of bonds shall constitute an item of the cost of collection of taxes and shall be apportioned as hereinbefore provided

Section 20 COLLECTING TAXES ENTRY OF RECEIPTS Immediately after the delivery of the several duplicates the county tax collector shall proceed to collect the taxes therein charged The county tax collector or any bank savings bank bank and trust company or trust company legally authorized to act as a deputy county tax collector when receiving taxes shall issue a receipt for the taxes or the particular installment or installments of taxes paid by the taxable and if the tax is paid at any place other than the office at the county seat shall immediately forward a duplicate of such receipt or the stub attached to the tax bill to the county tax collector who shall cause to be entered upon the proper duplicate in his possession a record of the payments made

Section 21 PAYMENT OF TAXES DISCOUNTS PENALTY ON DELINQUENT TAXES All taxes collected under this act except those paid on the installment plan shall be subject to a discount of five per centum (5%) if paid on or before the first day of September of each year From the second day of September to and including the first day of November all such taxes shall be payable at face On the second day of November all such taxes shall become delinquent and one-half of one per centum (½%) penalty for each month or fraction thereof thereafter until the first day of May of the year following shall be added thereto and collected in the same manner as the tax

Beginning the first day of May of the year following the year of levy interest at the rate of six per centum (6%) per annum shall be added to the delinquent tax until the same is paid and such interest shall continue to run after the lands have been returned or after a lien for the tax has been filed in the office of the prothonotary No additional penalties or interest shall attach to said tax under the tax return or tax lien laws of the Commonwealth

Section 22 INSTALLMENT SYSTEM The county commissioners shall have authority to establish by resolution a system for the collection and payment of all taxes collected by the county tax collector under the provisions of this act at the option of the taxpayer on the flat rate basis in two or more equal installments No borough town township school district or poor district shall have power to require or permit payment of its taxes in installments different from those established by the county commissioners and all such existing ordinances or resolutions are hereby made void and of no effect immediately upon the taking effect of this act in any taxing unit

If the county commissioners establish an installment system for the payment of taxes they shall in their resolution set forth the number of installments in which taxes shall be paid and the dates when the respective installments become due and delinquent No discounts shall be allowed on any installments To each installment on the date when it becomes delinquent a penalty of five per centum (5%) shall be added which shall be collected in the same manner and with like powers and authority as in the case of taxes under existing laws

The payment of the first installment by a taxpayer before the same becomes delinquent shall conclusively evidence an intention to pay his or her or its taxes on the installment plan as provided by said resolution but of a taxpayer shall thereafter permit one-half or more of the total number of installments of taxes to become delinquent an additional penalty of three per centum (3%) shall be added to each such delinquent installment Where a taxpayer shall fail to evidence an intention to pay on the installment plan as hereinbefore provided his her or its taxes shall become due and payable and be collected subject to the discounts and penalties provided in the section immediately preceding No further penalties shall be added to any installment of taxes unless one or more installments remain unpaid and the lands upon which such installments are due are returned under existing laws to the county commissioners for non-payment of taxes or in case a lien for such unpaid installment or installments is filed under existing laws in the office of the prothonotary in either of which cases interest from the first day of May of the year following that for which the taxes were levied at the rate of six per centum (6%) per an-

num on the amount of the tax shall be added to and collected with such delinquent installment or installments and the penalties thereon No additional penalties or interest shal lattach to such installments under the tax return or tax lien laws of the Commonwealth

Section 23 Payments by Mail Payments of taxes or of any installments of taxes may be made by money order or by check and forwarded by mail addressed to the county tax collector at the county seat In the case of any such payment the taxpayer shall enclose his tax bill or an identifying stub in order that the tax payment may be identified and proper receipt be entered by the county tax collector whereupon a receipt shall be returned to the taxpayer

Section 24 Proceedings to Collect Taxes A If any person shall fail neglect or refuse to make payment of taxes or of any one or more installments of taxes within thirty days after demand made the county tax collector or his deputy may levy the amount thereof together with the penalty and costs by distress and sale of the goods and chattels of the delinquent giving ten days notice of such sale by written or printed advertisement

The county tax collector may deputize any constable or constables resident within the county to collect by distress and sale of goods and chattels any taxes which are delinquent and for such purposes all the powers of the county tax collector are hereby conferred upon such constable For each such distress and sale of goods and chattels the constable shall be entitled to a fee of two dollars which fee shall be collected by the constable by such sale in addition to the taxes penalties and interest

No failure to demand or to collect any taxes by distress and sale of goods and chattels shall invalidate any return made or lien filed for non-payment of taxes or any sale had for the collection of such taxes

B In case any person neglects or refuses to pay his or her occupation poll or per capita tax as herein provided after having received ten days' notice or demand so to do the county tax collector shall notify any person copartnership association or corporation by whom or which such delinquent tax payer is employed that such taxpayer has failed or neglected to pay said tax as required and such collector may thereupon request payment from such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person copartnership association or corporation employing any such delinquent taxpayer shall deduct from any wages that are then or may thereafter become due and owing to the delinquent taxpayer the amount of such delinquent tax and pay the same over to such county tax collector and the proper receipt for such taxes paid to the county tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

If any person copartnership association or corporation receiving a notice from any county tax collector requesting the payment of any such tax of any employe shall fail or refuse to deduct from any wages then due and owing or that may thereafter become due and owing to such employe the amount of such tax or if such person copartnership association or corporation deducts the amount of such tax and fails to pay the same over to the county tax collector within thirty days after making such deduction such person copartnership association or corporation shall forfeit and pay a sum equal to the amount of such tax collected from such employe or employes as aforesaid which sum together with costs may be recovered by the county tax collector in an action of assumpsit against said person copartnership association or corporation failing to pay over such tax as debts of like amount are now recoverable In the collection of any judgment recovered for any such delinquent tax against any person copartnership association or corporation the defendant therein shall not be entitled to the benefit of any exemption appraisement law or stay of execution

Section 25 Payment of Taxes by Tenants in Common and Coparceners Any tenant in common or coparcener of seated lands shall have the right to pay his or her or their proportionate part of the amount of taxes due thereon and it shall be the duty of the county tax collector to receive and receipt for the same and the interest of any such tenant in common or coparcener shall not be affected by any proceeding or sale to enforce payment of taxes on the other interests in said land

Section 26 Exonerations The corporate authorities of the several counties boroughs towns townships school and poor districts shall have power to exonerate the county tax collector from the collection of any tax penalty and interest in whole or in part as to them shall appear just and reasonable They shall direct their clerk to enter in a book to be kept for that purpose (a) the names of all persons abated or exonerated together with (b) the reason therefor and (c) the amount and date when made and shall give to the county tax collector a certificate stating the nature of the tax and the amount exonerated in order that settlement may be made accordingly All such books shall be open to public inspection during business hours

Section 27 Returns and Payments The county tax collector shall make monthly returns in writing to the board of county commissioners and to the corporate authorities of the several boroughs towns townships school and poor districts showing the amounts of taxes collected during the preceding months and the amount of uncollected taxes upon the duplicate Each such return shall be accompanied by a list showing the individual tax payments received and indicating the amounts the date of payment and from whom received Such returns shall be made within ten days after the first day of each month for the preceding month ending with the last day of the month He shall at the same time pay over to the treasurer of the county and to the treasurers of the various taxing units the full amounts of taxes so collected

Any county tax collector failing to may any monthly payment as herein required shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 28 Final Settlement The county tax collector shall make a complete settlement of all taxes charged upon his duplicate except such as may have been abated exonerated or held in the custody of the court pending a decision on an appeal from the assessed valuation of taxable property or such as may be charged upon real property which has been returned for non-payment of taxes as hereinafter provided or for which liens are to be filed and for which schedules have been furnished as hereinafter provided not later than the first Monday of June of the year following the one in which such taxes were payable On making final settlement the county tax collector shall make an oath or affirmation before the county commissioners that he has made a true and just return of all moneys by him collected Thereupon the tax collector and his sureties if such settlement has been adjusted to the satisfaction of the incoming tax collector and the taxing unit shall be discharged from further liability Provided that if the tax collector or his surety is of the opinion that the incoming tax collector or the corporate authorities of any taxing unit unreasonably refuses to signify his or their satisfaction with any such settlement or adjustment such tax collector or surety may apply to the court of common pleas of the county to have such bond released notwithstanding such refusal and if it shall appear to the court that settlement has been made and adjusted in a satisfactory manner it shall enter an order releasing the bond of such outgoing tax collector

Section 29 Collection After Expiration of Warrants Collection by Districts In all cases where taxes are due and unpaid to any county tax collector after the date fixed for final settlement and the collector has not been exonerated or the property upon which the taxes were levied has not ben returned for non-payment of taxes the county tax collector may sue for the same

In addition to all other remedies provided by this act the several taxing units shall have power to collect unpaid taxes whether returned liened or otherwise from the owner or owners of the lands against which assessed by suit or other appropriate remedy To any judgment obtained for such taxes there shall be added a penalty of ten per centum (10%) together with costs of suit upon which judg-

ment an execution may be issued without any stay or benefit of any exemption law

Section 30 Penalty for Embezzlement of Moneys If any person charged with the collection safekeeping or transfer of any county borough township school or poor taxes shall convert the moneys so collected or any part thereof to his own use or shall use by way of investment in any kind of property or merchandise any portion of the moneys so collected by him and shall fail to pay over the same or any part thereof at the time or place required and to the person authorized to demand and receive the same he shall be guilty of a felony Every such person and every person in any way accessory to such act upon conviction thereof shall be sentenced to undergo an imprisonment not exceeding five years or to pay a fine not exceeding five thousand dollars or both

Section 31 Taxes Exonerated or From Persons Not Assessed Not to be Received Penalty No county tax collector or any other person on his behalf shall receive payment or give any receipt for the payment of any taxes not assessed and return of such assessment made nor shall any such collector or other person in his behalf receive payment or give any receipt for the payment of any taxes from the payment of which the party assessed has been exonerated unless the party so exonerated shall himself appear in his own person and tender payment of such taxes If any county tax collector or other person on his behalf shall violate any of the provisions of this section he shall violate any of the provisions of this section he shall upon conviction be sentenced to pay a fine of one hundred dollars for the use of the county

Section 32 Returns of Unpaid Taxes on Real Property The county tax collector shall not later than the first Monday of May of each year following the one in which any taxes were due and collectible make a return to the county commissioners of all real property upon which any county borough town township school or poor taxes remain unpaid and the county commissioners shall immediately certify such return to the county treasurer then in office in order that sale of such properties may be made in the manner provided by law

If any taxing district shall notify the county tax collector in writing that it does not desire its delinquent taxes to be collected by return or sale but by liens filed in the office of the prothonotary then in that event he shall file with the taxing authority or its solicitor as may be required not later than said first Monday of May schedules of unpaid taxes in such form as may be required by the taxing unit

In case any county tax collector shall refuse neglect or fail to make any return as herein provided he shall become personally liable for the payment of all taxes upon the real property which should have been returned and recovery of such taxes may be had against the county tax collector but nothing herein provided shall prevent the filing of any lien for the collection of taxes in the prothonotary's office and the collection in the manner provided by law and where any such lien shall be filed the collector of taxes shall not thereafter be liable for failure to collect such taxes

Where real property shall be returned for non-payment of taxes the county tax collector shall add to the amount of each item of tax for which the same is returned the penalty which shall be due on such taxes which penalty shall be recovered and collected with such taxes

Section 33 Audit of Accounts of County Tax Collector The accounts of the county tax collector shall be audited and settled by the county controller and in counties where there is no county controller by an auditor who shall be a competent accountant and who shall be appointed by the court of common pleas Each county controller and each such auditor shall receive for his services such compensation as the court of common pleas may fix which compensation shall constitute an item of the cost of collection of taxes and be paid and apportioned as hereinbefore provided Each such controller or auditor shall immediately after such audit is completed cause a brief summary of such audit to be published once in at least one and not more than three newspapers of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) printed in the county and in the legal newspaper if any The advertising costs shall constitute an item of the cost of collection of taxes and be paid and apportioned as hereinbefore provided

Section 34 Constitutionality of Act The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of th eremaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 35 Effect of Act on Existing Laws The provisions of this act so far as they are the same as those existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any act of assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability incurred or any right accrued or vested nor affect any suit or prosecution pending or to be instituted to enforce any right or punish any offense under the authority of such repealed laws

The thirty-sixth section was read as follows:

Section 36 Repeals The following acts and parts of acts are hereby repealed as respectively indicated Provided that such acts and parts of acts shall continue in force as to each tax collector now in office and while such tax collectors remain in office as to the collection of all taxes the duplicates for which are delivered to such tax collectors

The act approved the twentieth day of March one thousand seven hundred and twenty-five (four Statutes at Large ten) entitled "An act for raising of county rates and levies" absolutely

Sections sixteen eighteen nineteen twenty and twenty-one of the act approved the eleventh day of April one thousand seven hundred and ninety-nine (three Smith Laws three hundred ninety-two) entitled "An act to raise and collect county rates and levies" absolutely

Sections five and six of the act approved the sixth day of April one thousand eight hundred and two (Pamphlet Laws one hundred seventy-eight) entitled "An act for laying out making and keeping in repair the public roads and highways within this Commonwealth and for laying out private roads" absolutely

Section one of the act approved the third day of April one thousand eight hundred and four (Pamphlet Laws five hundred seventeen) entitled "An act directing the mode of selling unseated lands for taxes" absolutely

Sections nine and twelve of the act approved the first day of April one thousand eight hundred and thirty-four (Pamphlet Laws one hundred sixty-three) entitled "An act to provide for the incorporation of boroughs" in so far as they relate to taxation and to tax collectors

Sections seventeen eighteen nineteen twenty thirty-one thirty-two thirty-three thirty-five thirty-six thirty-seven thirty-eight thirty-nine forty forty-one forty-two forty-three forty-four forty-seven forty-eight forty-nine fifty fifty-one and fifty-two of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" absolutely and sections twenty-one and forty-five of said act except in so far as they apply to the collection of city taxes and of taxes of school and poor districts coextensive with or located wholly within cities

Sections one two three four and five of the act approved the twenty-eighth day of February one thousand eight hundred and thirty-five (Pamphlet Laws forty-five) entitled "A supplement to the act relating to county rates and levies and township rates and levies and to the act relating to counties and townships and county and township officers" absolutely

Section eight and eleven of the act approved the twenty-seventh day of May one thousand eight hundred and forty-one (Pamphlet Laws four hundred) entitled "An act relating to the election of county treasurers and for other purposes" absolutely

Section forty-one of the act approved the twenty-ninth day of April one thousand eight hundred and forty-four (Pamphlet Laws four hundred eighty-six) entitled "An act to reduce the state debt and to incorporate the Pennsylvania canal and railroad company" absolutely

Sections nineteen twenty and twenty-one of the act approved the twenty-second day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred eighty-six) entitled "An act to provide for the reduction of the public debt" absolutely

Section three of the act approved the eleventh day of April one thousand eight hundred and forty-eight (Pamphlet Laws five hundred seventeen) entitled "An act to provide for the ordinary expenses of government the repairs of canals and railroads belonging to the state and the payment of other claims upon the commonwealth" absolutely

Sections three clause ten section six clause two and section twelve of the act approved the third day of April one thousand eight hundred and fifty-one (Pamphlet Laws three hundred twenty) entitled "An act regulating boroughs" absolutely

The act approved the first day of February one thousand eight hundred and fifty-six (Pamphlet Laws thirteen) entitled "An act in relation to the appointment of collectors of State and county taxes" absolutely

Sections two and three of the act approved the twenty-first day of April one thousand eight hundred and fifty-six (Pamphlet Laws four hundred seventy-seven) entitled "An act relative to the sale of lands for the non-payment of taxes" except in so far as they relate to sales of unseated lands

The act approved the twenty-third day of February one thousand eight hundred and fifty-eight (Pamphlet Laws forty-five) entitled "A supplement to an act relative to the sale of lands for the non-payment of taxes" absolutely

The act approved the twenty-sixth day of March one thousand eight hundred and sixty-seven (Pamphlet Laws forty-five) entitled "An act relating to the powers of the legal representatives of deceased tax collectors in this Commonwealth absolutely

The act approved the twenty-fifth day of May one thousand eight hundred and seventy-eight (Pamphlet Laws one hundred fifty) entitled "An act requiring collectors of special taxes to give bond" absolutely

The act approved the thirteenth day of May one thousand eight hundred and seventy-nine (Pamphlet Laws fifty-five) entitled "An act regulating the right of redemption of seated lands returned to the county commissioners and sold for non-payment of taxes" absolutely

The act approved the twelfth day of April one thousand eight hundred and eighty-one (Pamphlet Laws nine) entitled "An act relating to the collection of borough tax in the boroughs of the Commonwealth of Pennsylvania" absolutely

The act approved the twenty-fourth day of May one thousand eight hundred and eighty-one (Pamphlet Laws thirty-one) entitled "An act authorizing and requiring county treasurers in counties where the treasurer by existing law collects state and county taxes to collect unpaid or delinquent taxes in certain cases" absolutely

The act approved the third day of June one thousand eight hundred and eighty-five (Pamphlet Laws seventy-one) entitled "An act making sales of seated and unseated lands for arrearages of taxes valid and effective irrespective of the fact whether such lands were seated or unseated at the time of the assessment thereof" absolutely

The act approved the third day of June one thousand eight hundred and eighty-five (Pamphlet Laws seventy-two) entitled "An act to punish defaulting tax collectors" except in so far as it applies to the collection safekeeping or transfer of State taxes and of taxes of cities and of school and poor districts coextensive with or located wholly within cities

The act approved the twenty-fifth day of June one thousand eight hundred and eighty-five (Pamphlet Laws one hundred eighty-seven) entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" absolutely

The act approved the thirtieth day of June one thousand eight hundred and eighty-five (Pamphlet Laws two hundred four) entitled "An act to empower the county commissioners in the counties where by present laws the county treasurer collects the taxes to change the date or dates at which a reduction of said taxes for prompt payment shall cease" absolutely

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred seventy-eight) entitled "An act authorizing county treasurers to charge and deduct commissions from school road and all other municipal taxes collected and paid over by them to the proper authorities" absolutely

The act approved the second day of June one thousand eight hundred and ninety-one (Pamphlet Laws one hundred seventy-five) entitled "An act to amend section nine of an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" by providing the time in which tax collectors shall pay over tax and make settlements" absolutely

The act approved the eighth day of June one thousand eight hundred and ninety-one (Pamphlet Laws two hundred twelve) entitled "An act relating to the collection of state county and poor taxes in the several counties of this Commonwealth and providing for monthly returns and payments of the collectors thereof" absolutely

The act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-three) entitled "An act to authorize the election of tax collectors for the term of three years in the several boroughs and townships of this Commonwealth" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (Pamphlet Laws one hundred eleven) entitled "An act to provide for the more speedy and effectual manner of collecting the road and poor taxes in the several boroughs and townships in this Commonwealth" absolutely

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred ninety-six) entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub and requiring a sheet setting forth name amount of tax paid and number of receipt to be sent twenty days before each election to the county commissioners for public inspection and to provide for punishment of tax collectors violating the provisions of this act" absolutely

The act approved the fifteenth day of June one thousand eight hundred and ninety-seven (Pamphlet Laws one hundred sixty-six) entitled "An act regulating the employment of foreign born unnaturalized male persons over twenty-one years of age and providing a tax on the employers of such persons and prescribing a penalty for violation of the provisions of said act and directing the manner of collecting the same and providing that the amount of such tax may be deducted from the wages of persons affected by the provisions hereof" absolutely

The act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred forty-two) entitled "An act requiring the tax collectors of the several boroughs and townships of this Commonwealth to make monthly returns o fthe taxes collected by them and the amount outstanding upon their respective duplicates to the several authorities legally authorized to receive the said taxes and to borough councils and to pay over monthly the amounts so collected by the mand providing a penalty for the violation of the same" absolutely

Sections one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties" absolutely

The act approved the tenth day of April one thousand nine hundred and ninety-nine (Pamphlet Laws thirty-four) entitled "An act to provide for the appointment of collectors of State and county taxes in cities of the third class and defining their powers" absolutely

The act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-one) entitled "An act providing for the addition of five per centum of the amount of all taxes for which seated lands are returned for non-payment of taxes thereto and for the recovery and payment thereof to the collector of taxes or other person making such return" absolutely

The act approved the first day of May one thousand nine hundred and nine (Pamphlet Laws three hundred five) entitled "An act to amend section seven of an act entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' approved June twenty-fifth one thousand eight hundred and eighty-five allowing a reduction of five per centum on all taxes paid within ninety days from date of notice by collector that duplicate has been issued or delivered to him" absolutely

The act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred seventy) entitled "An act providing for notification of taxables by tax collectors in boroughs and townships prescribing the contents of such notices and providing for the payment of the expenses thereof" absolutely

Sections five hundred and three five hundred and four five hundred and twenty-seven five hundred and twenty-eight five hundred and twenty-nine five hundred and thirty five hundred and thirty-one five hundred and forty-six five hundred and forty-seven five hundred and forty-eight five hundred and forty-nine five hundred and fifty five hundred and fifty-one five hundred and fifty-two five hundred and fifty-three five hundred and fifty-four five hundred and fifty-nine five hundred and sixty five hundred and sixty-one five hundred and sixty-two five hundred and sixty-six and two thousand eight hundred and seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" and their amendments except as to school districts coextensive with or located wholly within cities

The act approved the fifteenth day of April one thousand nine hundred and thirteen (Pamphlet Laws seventy-five) entitled "A supplement to an act approved the twenty-fourth day of March one thousand nine hundred five entitled 'An act establishing in counties containing a population of from three hundred thousand to one million a board for the Assessment and Revision of Taxes for State and county purposes prescribing their powers and duties and abolishing the office of ward borough and township assessors in so far as respects the assessment of State and county taxes' providing for the appointment by said board of collectors of county taxes in cities of such counties and defining the powers and duties of such collectors" absolutely

The act approved the twenty-first day of May one thousand nine hundred and thirteen (Pamphlet Laws two hundred eighty-four) entitled "An act to amend an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' as amended by an act approved the second day of June one thousand eight hundred ninety-one entitled "An act to amend section nine of an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" by providing the time in which tax collectors shall pay over tax and make settlements' " absolutely

The act approved the twenty-sixth day of March one thousand nine hundred and fifteen (Pamphlet Laws eleven) entitled "An act prescribing certain duties for collectors of taxes in boroughs and townships and for county treasurers" absolutely

The act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred twenty-one) entitled "An act providing for the filling of vacancies in the office of tax-collector in boroughs and townships by the county commissioners and repealing certain acts inconsistent therewith" absolutely

The act approved the twenty-fourth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred seventy) entitled "An act authorizing tenants in common and coparceners of land to pay their proportionate share of the taxes assessed against the land and providing that the sale thereof for unpaid taxes shall not impair or divest the title of those who have paid their respective shares of such taxes" except as to city taxes and taxes of school and poor districts coextensive with or located wholly within cities

Section four of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred sixteen) entitled "An act to amend section one hundred and ninety-six as amended section one hundred and ninety-seven as amended section one hundred and ninety-eight section four hundred and twenty-seven section four hundred and thirty-four as amended and section one thousand and forty of the act approved the fourteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws eight hundred forty) entitled 'An act concerning townships and revising amending and consolidating the law relating thereto' " absolutely

The act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred forty-seven) entitled "An act to amend sections four hundred and twenty-eight and four hundred and twenty-nine and to repeal section four hundred and twenty-six of the act approved the fourteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws eight hundred forty) entitled 'An act concerning townships and revising amending and consolidating the law relating thereto' " absolutely

The act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred sixty-five) entitled "An act to amend section four of an act approved the twenty-fifth day of June one thousand eight hundred eighty-five (Pamphlet Laws one hundred eighty-seven) entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' by changing the time of issuing duplicates" absolutely

The act approved the twenty-sixth day of March one thousand nine hundred and twenty-five (Pamphlet Laws sixty-nine) entitled "An act to provide for an additional system for the collection of State and county taxes in cities of the third class" absolutely

The act approved the thirtieth day of April one thousand nine hundred and twenty-five (Pamphlet Laws four hundred twelve) entitled "An act to amend section four hundred twenty-three of the act approved the fourteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws eight hundred forty) entitled "An act concerning townships and revising amending and consolidating the law relating thereto' " absolutely

The act approved the twenty-second day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred fifty-nine) entitled "An act authorizing counties of the fourth class to arrange for and pay the premiums on the bonds required of delinquent tax collectors" absolutely

Sections eight hundred and seven nine hundred and one and one thousand and thirty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" and their amendments in so far as they relate to the tax collector and sections eight hundred and fifty one thousand eighty one thousand eighty-one one thousand three hundred and three one thousand three hundred and four one thousand

three hundred and five one thousand three hundred and six one thousand three hundred and seven one thousand three hundred and eight one thousand three hundred and nine one thousand three hundred and ten one thousand three hundred and eleven and one thousand three hundred and twelve of said act and their amendments" absolutely

The act approved the twelfth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws eighteen) entitled "An act regulating the collection of county taxes in cities and providing for discounts and penalties" absolutely

The act approved the twenty-third day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred thirty-four) entitled "An act to provide for the taking of tax duplicates by sureties on the bonds of delinquent or defaulting tax collectors and the appointment by such sureties of a collector for the collection of taxes due on such duplicates" except in so far as it relates to city taxes and to taxes of school or poor districts coextensive with or located wholly within cities

The act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws seven hundred seventy-six) entitled "An act relating to the payment of taxes on seated and unseated lands by joint tenants tenants in common or coparceners" except in so far as it relates to taxes on unseated land or to city taxes or taxes of school or poor districts coextensive with or located wholly within cities

The act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred seventy-six) entitled "An act relating to the collection and return of county borough township school and poor taxes" absolutely

The act approved the twenty-third day of June one thousand nine hundred and thirty-one Pamphlet Laws nine hundred three) entitled "An act to amend sections one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled 'An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties' by providing certain exemptions" absolutely

Sections five hundred and eleven and one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" in so far as they apply to the office of tax collector and sections eight hundred and five eight hundred and six one thousand seven hundred and twelve one thousand seven hundred and thirteen one thousand seven hundred and fourteen one thousand seven hundred and fifteen one thousand seven hundred and sixteen one thousand seven hundred and seventeen one thousand seven hundred and eighteen and one thousand seven hundred and nineteen of said act and their amendments absolutely

The act approved the twenty-fifth day of July one thousand nine hundred and thirty-two (Pamphlet Laws ten) entitled "An act authorizing counties cities boroughs towns townships school districts and poor districts to install by ordinance or resolution a system for the collection of taxes in instalments and specifying certain conditions and penalties in such cases" except in so far as it applies to city taxes and to taxes of school and poor districts coextensive with or located wholly within cities

The act approved the twenty-sixth day of August one thousand nine hundred and thirty-two (Pamphlet Laws one hundred one) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" and its amendments in so far as it relates to the collection of taxes except city taxes and taxes of school and poor districts coextensive with or located wholly within cities

Sections four hundred and two and five hundred and forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" in so far as they relate to the tax collector and sections four hundred and fourteen four hundred and twenty-three five hundred and seventy five hundred and seventy-one nine hundred and nine nine hundred and ten nine hundred eleven nine hundred and twelve nine hundred and thirteen nine hundred and fourteen nine hundred and fifteen and nine hundred and sixteen of said act absolutely

The act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred thirty-five) entitled "An act relating to the collection of delinquent county taxes in counties of the second class repealing all acts or parts of acts general local or special inconsistent herewith" absolutely

All other acts and parts of act general local and special inconsistent with or supplied by this act are hereby repealed It is intended that this act shall furnish a complete and exclusive system in itself

On the question,
Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 36, page 30, line 2, by inserting after the word "repealed" the following: "in so far as they relate to counties of the second class and"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The title was read as follows:

An Act relating to local taxation; establishing a centralized system in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes for the collection of all county, borough, town, township, and certain school and poor taxes except in certain cases through the county treasurer as county tax collector defining the powers and duties of the county tax collector and of counties boroughs towns and townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws

On the question,
Will the House agree to the title?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, lines 2 and 3 of title, by striking out the words "third, fourth, fifth, sixth, seventh, and eighth"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the title as amended?
It was agreed to.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. PIOLE. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for further consideration and amendment.

The motion was not agreed to.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 88, as follows:

An Act providing for the organization under certain conditions of two colored battalions of infantry and making an appropriation therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That within six months after this act becomes effective the Adjutant General of the Commonwealth if authorized and empowered by the proper department or agency of the Federal Government shall organize and equip two colored battalions of infantry in the Commonwealth one of which shall have headquarters in the city of Philadelphia and the other in the city of Pittsburgh Such battalions when organized and equipped shall become a part of the National Guard of the Commonwealth

The officers of such battalions shall be commissioned by the Governor in the same manner as provided by law for the commissioning of officers of other units of the National Guard of the Commonwealth

The Armory Board of the Department of Military Affairs shall provide quarters for such regiment or the different units thereof as may be necessary

Section 2 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs for the organization of such battalions

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shepard,
Alexander,	Eroe,	McCreary,	Shortz,
Allen,	Falkenstein,	McDermott,	Shugarts,
Altenburg,	Ferko,	McDevitt,	Siegel,
Andrews,	Finnerty,	McElroy,	Simon,
Arnold,	Fitch,	McHenry,	Simpson,
Atkins,	Flanagan,	McKinney,	Sinwell,
Aukerman,	Flinchbaugh,	Melchiorre,	Sloan,
Baine,	Flynn,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Forrest,	Merrell,	Smith, W. G.,
Baker, J. J.,	Furman,	Moomaw,	Snyder, F. E.,
Baldi,	Gates,	Mooney,	Snyder, J. L.,
Barber,	Gerard,	Moore,	Sowers,
Barnhardt,	Gillette,	Moran,	Spangler,
Bernhard,	Green,	Moul,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,
Boose,	Haberlen,	Munley,	Stevens,
Boyd, R.,	Hagerty,	Murrin,	Stewart,
Boyer,	Haluska,	Nagel,	Stockham,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stott,
Brancato,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brennan,	Harkins,	Ominsky,	Surface,
Brown, H. S.,	Harmuth,	O'Neill,	Tahl,
Brown, J. E.,	Hart,	Panton,	Terry,
Brownfield,	Hartman,	Parks,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, C.,	Trout,
Burke,	Hermansen,	Patterson, J. W.,	Tumelty,
Cannon,	Hetrick,	Pearson,	Turner,
Caputo,	Hindman,	Perry,	Van Allsburg,
Carr,	Hirsch,	Peters,	Van Sickle,
Carson,	Hoffner,	Pfaff,	Walker,
Castor,	Holland,	Phillips,	Wall,
Chervenak,	Holstrom,	Piole,	Weidemann,
Coakley,	Horst,	Powers,	Weidemann,
Cochran,	Jackson,	Reising,	Weiss,
Cohen,	Jones,	Reynolds,	Welliver,
Coleman,	Kane,	Rhys,	Welsh,
Condon,	Kelder,	Rinn,	Westrick,
Conner,	Kelso,	Roan,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Cordier,	Kinney,	Ruffennach,	Winner,
Davies,	Klingler,	Ruth,	Witkin,
Decker,	Kobelak,	Sarraf,	Wood,
Denning,	LaRue,	Scanlon,	Woodside,
Dent,	Linderman,	Schrock,	Yeakel,
Diehl,	Long,	Schrope,	Yourishin,
Dilley,	Lovett,	Schwab,	Zappala,
Downey, G. E.,	Lynch,	Schwartz,	Zimmerman,
Downey, J. J.,	Male,	Shaw,	Sarig,
Duffort,	Mallen,		

NAYS—1

Hoopes,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1885, as follows:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 226 Unlawful to Fish Without License No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license hereinbefore provided be at such time continually kept about the person of the licensee and exhibited upon the request of any fish warden sheriff constable or other officer of the Commonwealth No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license button be at such time continually displayed on the outer garment in such manner that the license figures are plainly visible

The provisions of this section shall not apply to a person holding a fishing license issued pursuant to the laws of the State of New York when fishing by angling in that portion of the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of this State if the persons holding angling licenses issued pursuant to the provisions of this act when fishing by angling in the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of the State of New York are not required to have New York licenses nor shall the provisions of this section apply to a person holding a fishing license issued pursuant to the laws of the State of Ohio when fishing by angling in the waters of the Pymatuning Lake or reservoir within the jurisdiction of this State if the persons holding licenses issued pursuant to the provisions of this act when fishing by angling in the waters of said lake within the juris-

diction of the State of Ohio are not required to have Ohio licenses

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eberharter,	Mallen,	Shepard,
Alexander,	Eroe,	Mason,	Shortz,
Allen,	Falkenstein	McCreary,	Shugarts,
Altenburg,	Ferko,	McDermott,	Siegel,
Andrews,	Finnerty,	McDevitt,	Simon,
Arnold,	Fitch,	McElroy,	Simpson,
Atkins,	Flanagan,	McHenry,	Sinwell,
Aukerman,	Flinchbaugh,	McKinney,	Sloan,
Baine,	Flynn,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Forrest,	Mentzer,	Smith, W. G.,
Baker, J J.,	Furman,	Merrell,	Snyder, F. E.,
Baldi,	Gates,	Moomaw,	Snyder, J. L.,
Barber,	Gerard,	Mooney,	Sowers,
Barnhardt,	Gillette,	Moore,	Spangler,
Bernhard,	Green,	Moran,	Sproul,
Blumberg,	Habbyshaw,	Moul,	Stank,
Boose,	Haberlen,	Muir,	Stevens,
Boyd, R.,	Hagerty,	Murrin,	Stewart,
Boyer,	Haluska,	Munley,	Stockham,
Bradley,	Hamilton, F. P.,	Nagel,	Stott,
Brancato,	Hamilton, R. S.,	Nothnagle,	Sumney,
Brennan,	Harkins,	O'Keefe,	Surface,
Brown, H. S.,	Harmuth,	Ominsky,	Tahl,
Brown, J. E.,	Hart,	O'Neill,	Terry,
Brownfield,	Hartman,	Panton,	Tronzo,
Brumbaugh,	Hefferon,	Parks,	Trout,
Burke,	Hermansen,	Patterson, C.,	Tumelty,
Cannon,	Hetrick,	Patterson, J. W.,	Turner,
Caputo,	Hindman,	Pearson,	Van Allsburg,
Carr,	Hirsch,	Perry,	Van Sickle,
Carson,	Hoffner,	Peters,	Walker,
Castor,	Holland,	Pfaff,	Wall,
Chervenak,	Holstrom,	Phillips,	Wasserman,
Coakley,	Hoopes,	Piole,	Weidemann,
Cochran,	Horst,	Powers,	Weiss,
Cohen,	Jackson,	Reising,	Welliver,
Coleman,	Jones,	Reynolds,	Welsh,
Condon,	Kane,	Rhys,	Westrick,
Conner,	Kelder,	Rinn,	White,
Coolahan,	Kelso,	Roan,	Wickersham,
Cordier,	Kilroy,	Root,	Winner,
Davies,	Kinney,	Ruffennach,	Witkin,
Decker,	Klingler,	Ruth,	Wood,
Denning,	Kobelak,	Sarraf,	Woodside,
Dent,	LaRue,	Scanlon,	Yeakel,
Diehl,	Linderman,	Schrock,	Yourishin,
Dilley,	Long,	Schrope,	Zappala,
Downey, G. E.,	Lovett,	Schwab,	Zimmerman,
Downey, J. J.,	Lynch,	Schwartz,	Sarig,
Duffort,	Male,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2489 as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of the construction regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following streets or sections thereof in cities of the first class are hereby adopted by the Commonwealth as State highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained and thereafter to be maintained constructed reconstructed and resurfaced at the expense of the Commonwealth upon the terms and conditions and subject to the limitations hereinafter provided

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-fourth Street thence northerly over Forty-fourth Street to an intersection with Powelton Avenue thence over Powelton Avenue to an intersection with Forty-second Street thence over Forty-second Street to an intersection with Spring Garden Street thence over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia City-Millbourne Borough Line thence over Market Street to an intersection with Sixty-third Street thence southerly over Sixty-third Street to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with South Sixty-third Street thence northerly over South Sixty-third Street to an intersection with Chestnut Street beginning again at the intersection of South Sixty-third Street and Walnut Street thence southerly over Cobb's Creek Boulevard to an intersection with Sixty-first Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 13.10 miles

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Springfield Avenue thence northeasterly over Springfield Avenue to an intersection of Springfield Avenue and Baltimore Avenue thence northeasterly over Baltimore to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Market Street at

Thirty-second Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County Line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Market Street at Thirty-second Street a distance of about 4.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Conshohocken Avenue thence southeasterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue a distance of about 2.80 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt Airy Avenue thence along Mt Airy Avenue to an intersection with Germantown Avenue beginning again at the intersection of Germantown Avenue and Mt Pleasant Avenue thence southwesterly over Mt Pleasant Avenue to an intersection with Lincoln Drive a distance of about 2.66 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about .70 of a mile

Beginning at a point on the Philadelphia City-Bucks County Line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Penrose Avenue thence northeasterly over Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about 7.40 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Essington Avenue thence northeasterly on Essington Avenue to an intersection with Penrose Avenue thence northeasterly on Penrose Avenue to the intersection of Penrose Avenue and Eighty-fourth Street beginning again at the intersection of South Broad Street and Washington Street thence easterly on Washington Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Ash Street thence northwesterly on Ash Street to an intersection with Thompson Street thence northerly on Thompson Street to an intersection with Bridge Street thence northwesterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street to the approach to the Tacony-Palmyra Bridge a distance of about 10.25 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt Pleasant Avenue thence northeasterly on Mt Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue thence to an intersection with the Roosevelt Boulevard a distance of about 8.76 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Line thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly over Ridge Avenue to an intersection with Thirty-third Street thence southerly over Thirty-third Street to an intersection with Pennsylvania Avenue thence southerly over Pennsylvania Avenue to an intersection with Callowhill Street thence easterly over Callowhill Street to an intersection with Delaware Avenue beginning again at the intersection of Callowhill Street and Ridge Avenue thence southeasterly over Ridge Avenue and Ninth Street to an intersection at Ninth and Race Streets a distance of about 10.50 miles

Beginning at a point on the Philadelphia City-Rockledge Borough Line on Huntingdon Pike thence southeasterly on Huntingdon Pike to an intersection with Hasbrook Avenue thence southerly on Hasbrook Avenue to an intersection with Hartel Street thence southeasterly on Hartel Street to an intersection with Oxford Avenue thence southerly on Oxford Avenue to the intersection of Oxford Avenue and Rising Sun Avenue thence southerly on Rising Sun Avenue to an intersection with the Roosevelt Boulevard a distance of about 4.00 miles

Beginning at a point on the Philadelphia City Montgomery County Line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Havorford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with Pennsylvania Avenue a distance of about 4.10 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Cardington Road thence northerly over Cardington Road to an intersection with Lansdowne Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County Line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with Stenton Avenue thence northwesterly on Stenton Avenue to an intersection with Johnson Street thence southwesterly on Johnston Street to the intersection of Johnson Street and Park Line a distance of about 3.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ridge Avenue thence southeast-

erly on Ridge Avenue to an intersection with Walnut Lane a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Darby Borough Line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection with Island Road thence southeasterly over Island Road to an intersection with Elmwood Avenue thence northeasterly over Elmwood Avenue to an intersection with Sixty-third Street thence southeasterly over Sixty-third Street to an intersection with Passyunk Avenue thence easterly over Passyunk Avenue to an intersection with South Twenty-fifth Street thence northerly over South Twenty-fifth Street to an intersection with Washington Street thence easterly on Washington Street to the intersection of Washington Street and South Broad Street a distance of about 6.5 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now opened which form a part of the same route as herein described

Section 3 The city streets or sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of January one thousand nine hundred thirty-six subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface course

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structure shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an overhead or undergrade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such street which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning and shall be limited to the portions of the street between existing curb lines available to vehicular traffic

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof without the consent of the city evidenced by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby such damages to be ascertained and paid in accordance with the laws applicable thereto

Section 8 Before the Department of Highways shall proceed with the construction reconstruction or resurfacing of any of the streets or sections thereof as described in section two of this act the city after being notified of the contemplated improvement shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the said street or sections thereof when completed shall not be torn up or opened for a period of five years except in emergency cases and subject to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs

Section 9 No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act until and unless a permit has been obtained for such opening either from the city authorities or from the Department of Highways pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the city Where a permit is not obtained from the Department of Highways as above provided the city shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Department of High-

ways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25.00) dollars and in addition thereto the costs of prosecution and surface restoration charges and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 10 Before the commencement of any work authorized under the provisions of this act the city shall upon notice from the Secretary of Highways so to do establish and thereafter maintain at its own expense an adequate detour for the accommodation of the traveling public for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel Such detour when established as herein provided shall be marked and posted by the Department of Highways at the expense of the Commonwealth

Section 11 Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city in the manner and subject to the limitations provided by law for the purpose of assisting in the improving construction reconstructing or resurfacing any of the streets or sections thereof the improvement of which is authorized in accordance with the provisions of this act

Section 12 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance construction reconstruction or resurfacing of any street or section thereof under the provisions of this act shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purpose of this act

Section 13 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as though the part or parts held unconstitutional had not been included herein

Section 14 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 15 This act shall become effective the first day of January one thousand nine hundred and thirty-six

On the question,

Shall the bill pass finally?

Mr. TAHL. Mr. Speaker, I would like to ask the sponsor of this bill to explain its provisions.

Mr. SCANLON. Mr. Speaker and members of the House, House Bill No. 2489 provides for the Commonwealth to take over 145 miles of highway in Philadelphia. It provides also for an appropriation from the Motor License Fund. It will provide a tremendous amount of work for the City of Philadelphia, where the unemployment problem today is very acute. It would take thousands of men off the relief rolls, and the money thereby saved would be rightfully spent in useful employment, which would benefit the city of Philadelphia and its taxpayers for years to come. It would relieve the city of Philadelphia of the maintenance cost of these streets in the future and would obtain for the city a more rightful share of the taxes which they now pay to the state. would ask you all to vote "aye" on this bill.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Duffort,	Lynch,	Schwartz,
Alexander,	Eberharter,	Male,	Shaw,
Allen,	Eroe,	Mallen,	Shepard,
Altenburg,	Falkenstein,	Mason,	Shortz,
Andrews,	Ferko,	McCreary,	Shugarts,
Arnold,	Finnerty,	McDermott,	Siegel,
Atkins,	Fitch,	McDevitt,	Simon,
Aukerman,	Flanagan,	McElroy,	Simpson,
Baine,	Flinchbaugh,	McHenry,	Sinwell,
Baker, F. T.,	Flynn,	McKinney,	Sloan,
Baker, J J.,	Forrest,	Melchiorre,	Smith, J. A.,
Baldi,	Furman,	Mentzer,	Smith, W. G.,
Barber,	Gates,	Merrell,	Snyder, F. E.,
Barnhardt,	Gerard,	Moomaw,	Snyder, J. L.,
Bernhard,	Gillette,	Mooney,	Sowers,
Blumberg,	Green,	Moore,	Spangler,
Boose,	Habbyshaw,	Moran,	Stank,
Boyd, R.,	Haberlen,	Moul,	Stewart,
Boyer,	Hagerty,	Muir,	Stockham,
Bradley,	Haluska,	Munley,	Stott,
Brancato,	Hamilton, F. P.,	Murrin,	Sumney,
Brennan,	Hamilton, R. S.,	Nagel,	Surface,
Brown, H. S.,	Harkins,	O'Keefe,	Terry,
Brown, J. E.,	Harmuth,	Ominsky,	Tronzo,
Brownfield,	Hart,	O'Neill,	Trout,
Brumbaugh,	Hartman,	Panton,	Tumelty,
Burke,	Hefferon,	Parks,	Turner,
Cannon,	Hermansen,	Patterson, C.,	Van Allsburg,
Caputo,	Hetrick,	Patterson, J. W.,	Van Sickle,
Carr,	Hindman,	Pearson,	Walker,
Carson,	Hirsch,	Perry,	Wall,
Castor,	Hoffner,	Peters,	Wasserman,
Chervenak,	Holland,	Pfaff,	Weidemann,
Coakley,	Holstrom,	Phillips,	Weiss,
Cochran,	Hoopes,	Piole,	Welliver,
Cohen,	Horst	Powers,	Welsh,
Coleman,	Jackson,	Reising,	Westrick,
Condon,	Jones,	Reynolds,	White,
Conner,	Kane,	Rhys,	Wickersham,
Coolahan,	Kelder,	Rinn,	Winner,
Cordier,	Kelso,	Roan,	Witkin,
Davies,	Kilroy,	Robinson,	Wood,
Decker,	Kinney,	Ruffennach,	Woodside,
Denning,	Klingler,	Ruth,	Yeakel,
Dent,	Kobelak,	Sarraf,	Yourishin,
Diehl,	LaRue,	Scanlon,	Zappala,
Dilley,	Linderman,	Schrock,	Zimmerman
Downey, G. E.,	Long,	Schrope,	Sarig,
Downey, J. J.,	Lovett,	Schwab,	

NAYS—4

Nothnagle,	Sproul,	Stevens,	Tahl,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2007, as follows:

An Act providing that when any person held under arrest shall request the privilege and means of notifying his family or others of his arrest and imprisonment those persons in charge of such prisoner shall grant such request

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the same That when any person under arrest except those charged with murder treason and kidnapping shall request the privilege and the means of notifying his family or

others of his arrest and imprisonment those persons in charge of such prisoner shall grant such request without undue delay

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars or suffer imprisonment not exceeding ten days or both at the discretion of the court

On the question,

Shall the bill pass finally?

Agreably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eberharter,	Mallen,	Shepard,
Alexander,	Eroe,	Mason,	Shortz,
Allen,	Falkenstein,	McCreary,	Shugarts,
Altenburg,	Ferko,	McDermott,	Siegel,
Andrews,	Finnerty,	McDevitt,	Simon,
Arnold,	Fitch,	McElroy,	Simpson,
Atkins,	Flanagan,	McHenry,	Sinwell,
Aukerman,	Flinchbaugh,	McKinney,	Sloan,
Baine,	Flynn,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Forrest,	Mentzer,	Smith, W. G.,
Baker, J J.,	Furman,	Merrell,	Snyder, F. E.,
Baldi,	Gates,	Moomaw,	Snyder, J. L.,
Barber,	Gerard,	Mooney,	Sowers,
Barnhardt,	Gillette,	Moore,	Spangler,
Bernhard,	Green,	Moran,	Sproul,
Blumberg,	Habbyshaw,	Moul,	Stank,
Boose,	Haberlen,	Muir,	Stevens,
Boyd, R.,	Hagerty,	Munley,	Stewart,
Boyer,	Haluska,	Murrin,	Stockham,
Bradley,	Hamilton, F. P.,	Nagel,	Stott,
Brancato,	Hamilton, R. S.,	Nothnagle,	Sumney,
Brennan,	Harkins,	O'Keefe,	Surface,
Brown, H. S.,	Harmuth,	Ominsky,	Tahl,
Brown, J. E.,	Hart,	O'Neill,	Terry,
Brownfield,	Hartman,	Panton,	Tronzo,
Brumbaugh,	Hefferon,	Parks,	Trout,
Burke,	Hermansen,	Patterson, C.,	Tumelty,
Cannon,	Hetrick,	Patterson, J. W.,	Turner,
Caputo,	Hindman,	Pearson,	VanAllsburg,
Carr,	Hirsch,	Perry,	VanSickle,
Carson,	Hoffner,	Peters,	Walker,
Castor,	Holland,	Pfaff,	Wall,
Chervenak,	Holstrom,	Phillips,	Wasserman,
Coakley,	Hoopes,	Piole,	Weidemann,
Cochran,	Horst,	Powers,	Weiss,
Cohen,	Jackson,	Reising,	Welliver,
Coleman,	Jones,	Reynolds,	Welsh,
Condon,	Kane,	Rhys,	Westrick,
Conner,	Kelder,	Rinn,	White,
Coolahan,	Kelso,	Roan,	Wickersham,
Cordier,	Kilroy,	Root,	Winner,
Davies,	Kinney,	Ruffennach,	Witkin,
Decker,	Klingler,	Ruth,	Wood,
Denning,	Kobelak,	Sarraf,	Woodside,
Dent,	LaRue,	Scanlon,	Yeakel,
Diehl,	Linderman,	Schrock,	Yourishin,
Dilley,	Long,	Schrope,	Zappala,
Downey, G. E.,	Lovett,	Schwab,	Zimmerman,
Downey, J. J.,	Lynch,	Schwartz,	Sarig,
Duffort,	Male,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2512, as follows:

An Act staying legal proceedings except in certain cases against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly

WHEREAS depressed financial conditions have given rise to an economic emergency which is now pending by reason of which it is difficult and in many cases impossible to collect moneys due on mortgages on real estate without causing very serious loss and distress to home owners and other mortgagors and

WHEREAS the General Assembly by Act approved March twenty-seven one thousand nine hundred and thirty-five has extended the provisions of the Act of May eighteen one thousand nine hundred and thirty-three Pamphlet Laws eight hundred twenty-six authorizing the Courts of Common Pleas for a period of two years March thirty-one one thousand nine hundred and thirty-five to prevent the collection of mortgages by stay of execution on judgments entered thereon so that the holders of mortgages while said Act is in force are not able to realize thereon in cash

NOW THEREFORE BE IT ENACTED by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 In all cases where any bank bank and trust company or trust company engaged in a fiduciary business has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds deposited or placed with it for investment and such trust funds have been in good faith invested by such bank bank and trust company or trust company in mortgages on real estate participations in mortgages or in pools or funds of mortgages on real estate no suit or other proceeding at law in equity or otherwise including proceedings on exceptions filed to accounts of fiduciaries shall be brought nor shall further proceedings be had on any such suit or proceedings now pending or on any judgment or decree heretofor entered until after two (2) years from the date of this act by any trust trust estate or beneficiary interested in such trust estate to recover in cash either the amount or value of such funds so invested

Section 2 Any court in this Commonwealth in which such suit or proceeding is now pending or may be hereafter brought shall have full power and authority to grant proper stays of proceedings in accordance with the provisions of this Act including stays of execution where any such suit or proceeding has been reduced to judgment

Section 3 Any person association or corporation affected by this act may petition a court of competent jurisdiction and said court upon hearing being convinced that cash is needed for maintenance education or support and other necessitous cases may make such order as may be necessary under the circumstances

Section 4 This Act shall not affect the right of any trust estate or beneficiary to take or accept the trust investments or securities in kind on the termination of any trust

Section 5 The running of the Statute of Limitations against any claim stayed under the provisions of this Act and also all Acts or parts of Acts of Assembly inconsistent herewith are hereby suspended while this Act is in force

Section 6 Nothing contained in this act shall be construed to apply where the amount of any trust estate or other fund is five hundred dollars ($500) or less

Section 7 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 8 This Act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker, this bill has been amended but as it has been amended it still contains a vital defect. The principle of this bill is that since the

Legislature has stayed foreclosures of mortgages, that banks which have loaned money which are in trust should not be compelled to meet their obligations for a period of two years. The vital defect in the bill is this, if the bank is to have immunity, if it is not to be compelled to meet its obligations, it should be compelled to show, Mr. Speaker, that it is unable to meet its obligations by reason of legislation enacted by this General Assembly. If the mortgage laws passed by the Assembly are not the reason why the banks cannot meet its obligations, then it should be compelled to meet them. If the bank can show that legislation affecting mortgages makes it impossible for the bank to do what it is pledged it would do, then it is justified in asking for some legislation of this kind, but as the measure stands it is essentially unsound.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—139

Altenburg,	Flanagan,	McDevitt,	Simon,
Atkins,	Flinchbaugh,	McElroy,	Simpson,
Aukerman,	Flynn,	McHenry,	Sinwell,
Baine,	Forrest,	McKinney,	Sloan,
Baldi,	Furman,	Mentzer,	Snyder, F. E.,
Barnhardt,	Gates,	Merrell,	Snyder, J. L.,
Bernhard,	Gerard,	Mooney,	Spangler,
Blumberg,	Green,	Moore,	Sproul,
Boose,	Habbyshaw,	Moran,	Stevens,
Boyd, R.,	Haberlen,	Muir,	Stewart,
Boyer,	Hagerty,	Munley,	Stockham,
Brennan,	Hamilton, F. P.,	Murrin,	Stott,
Brown, H. S.,	Hamilton, R. S.,	Nothnagle,	Sumney,
Brown, J. E.,	Harkins,	Ominsky,	Terry,
Brumbaugh,	Harmuth,	O'Neill,	Trout,
Burke,	Hart,	Panton,	Tumelty,
Carr,	Hartman,	Parks,	Turner,
Carson,	Hefferon,	Patterson, C.,	Van Allsburg,
Castor,	Hetrick,	Pearson,	Van Sickle,
Coakley,	Hirsch,	Perry,	Walker,
Coleman,	Hoffner,	Peters,	Wall,
Condon,	Holstrom,	Phillips,	Wasserman,
Conner,	Jackson,	Powers,	Weiss,
Coolahan	Jones,	Reynolds,	Welliver,
Cordier,	Kane,	Rhys,	White,
Davies,	Kelder,	Rinn,	Wickersham,
Decker,	Kilroy,	Roan,	Winner,
Dent,	Kinney,	Root,	Witkin,
Diehl,	Klinger,	Ruffennach,	Wood,
Dilley,	LaRue,	Ruth,	Woodside,
Downey, J. J.,	Linderman,	Sarraf,	Yeakel,
Duffort,	Lynch,	Schrock,	Yourishin,
Eberharter,	Male,	Schrope,	Zimmerman,
Ferko,	Mason,	Shepard,	Sarig,
Fitch,	McDermott,	Shugarts,	

NAYS—29

Achterman,	Haluska,	McCreary,	Schwab,
Allen,	Hermansen,	Moomaw,	Siegel,
Andrews,	Hoopes,	Nagel,	Sowers,
Baker, J. J.,	Kelso,	Patterson, J. W.,	Tahl,
Cannon,	Kobelak,	Pfaff,	Tronzo,
Cohen,	Long,	Piole,	Westrick,
Downey, G. E.	Lovett,	Reising,	Zappala,
Falkenstein,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 758, as follows:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor imposing duties and conferring powers upon such commissioners and their appointees and upon courts county officers election officers municipal officers register of vital statistics and boards of school directors

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Personal Registration Act For Boroughs Towns and Townships"

Section 2 Definitions (a) The word "Commission" shall mean the county commissioners of any county acting as a registration commission for the boroughs towns and townships within such county

(b) "Commissioner" shall mean a county commissioner acting as a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidate either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any county although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person resident of a borough or township who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued resident in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth

(m) "Borough" shall include any incorporated town

(n) "Public office" shall mean and include any national state judical county city borough township school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioners of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 County Commissioners to Act as Registration Commission For Boroughs and Townships (a) The county commissioners of each county containing one or more boroughs or townships shall act as a registration commission in and for such county which commission shall have jurisdiction over the registration of electors in the boroughs and townships of such county under the provisions of this act

(b) The commissioners shall receive no compensation

in addition to their compensation as county commissioners

(c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(d) Each commission shall keep a record in permanent form of its proceedings

Section 4 Powers of Commission (a) The commission of any county may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission of any county and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Registrars Inspectors of Registration and Employes Powers and Duties (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such

(b) As soon as possible after the approval of this act the commission shall appoint as many registrars and inspectors of registration as it may deem necessary to carry out the provisions of this act until the municipal election in November of the year one thousand nine hundred and thirty-five At such election and at every municipal election thereafter the electors of each election district affected by the provisions of this act shall elect one qualified elector of such district as registrar and the electors of each borough town and township affected by this act shall elect one qualified elector thereof as inspector of registration Such person shall hold office for a period of two years In case of a vacancy in such office the commission shall appoint a properly qualified person to fill such office for the unexpired term such registrars shall be empowered to register the qualified electors of the boroughs towns and townships in such counties and in so doing to administer oaths and affirmations and such inspectors of registration shall have and may exercise the powers conferred upon them by this act

(c) No person who holds or is a candidate for public or party office shall be elected a registrar or inspector of registration or appointed to or hold office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county in counties where a salary board exists and in other counties by the commission

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the county commissioners a certificate of election setting forth his name and address the date of his election and the length of time for which he shall have been elected

(e) Each commission shall appoint a chief clerk who may be the chief clerk of the county commissioners who shall have authority to administer oaths and to sign vouchers and who shall receive no extra compensation for such duties

(f) Any inspector of registration on complaint of any person known to him may and when directed by the commission of his county shall

(1) Investigate all questions relating to the registration of electors of the boroughs and townships in such county and for that purpose shall have power to enter and inspect any house dwelling building inn lodginghouse or hotel within such governmental units and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or threin regarding any person or persons residing or claiming to reside thereat or so doing except his certificate of appointment aforesaid

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such boroughs towns or townships

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such county of the boroughs towns and townships therein to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest as aforesaid

Section 6 Counsel The County solicitor shall be counsel for the Commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carry out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by County Commissioners The county commissioners or other appropriating authorities of the county shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission of such county and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for printing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners and other appropriating authorities of the county shall provide the commission thereof with suitable and adequate offices at the county seat properly furnished for keeping its records holding its public sessions and otherwise performing its duties

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission of any county by order of such commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except

upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to Be Open to Public Inspection The records of each commission and all district registers street lists of voters affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto provided that such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulations for safe-keeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors and the commission shall appoint all such persons as watchers and provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person and the registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment and provided that not more than one watcher for each party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sections of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the county or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may present at any one time may be limited by the commission to not less than three for each party or body of electors

Section 15 Candidates May be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Time and Places of Registration House to House Canvass by Registrars Public Notice (a) From and after the first day of June one thousand nine hundred and thirty-five each commission or commissioner or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission receive personal applications from persons who claim that they are entitled to be registered as electors thereof and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the seventh day of September anything in this section to the contrary notwithstanding

(b) The registrar for each election district shall visit in person each and every dwelling house in his district starting on the first Monday in June of each year and finishing as soon thereafter as may be possible and shall register all the qualified electors that he shall find upon careful and diligent inquiry to be bona fide residents of his district and who desire to be registered in the manner provided by this act He shall forthwith make a copy of the names of all persons registered by him as soon as practicable He shall on or prior to the fourth Monday of July in each year place a copy of such names on the door of or on the house where the election of the district is required to be held and retain the registration cards in his possession for the inspection free of charge of any person resident in the said election district who shall desire to see the same and it shall be the duty of the said registrar to register from time to time on the personal application thereof any qualified elector of the district claiming the right to vote

(c) The said registrar shall be present at the polling place of the district during the sixty-second day preceding each general and municipal election and on the sixty-second day preceding the spring primary in even-numbered years from ten o'clock A M to three o'clock P M and frim six o'clock P M to nine o'clock P M for the purpose of registering upon personal application any qualified elector claiming the right to vote The registrar shall on the day following return to the commission the registration cards used and unused as hereinafter provided

(d) The county commissioners of each county shall cause each polling place to be open in proper order for use as a place of registration on each day when such polling place is required by this act for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least one placard or notice thereof in a conspicuous place in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 17 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the boroughs towns and townships of each county the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing state-

ments made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this day of nineteen

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards in each county

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 18 Manner of Registration (a) Every person in boroughs towns and townships claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar acting for the borough town or township in which he resides at the office of the commission or at such other place designated by the provisions of this act and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence if any or other designation of location (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance at the ensuing election and if so his declaration of that fact and his statement of the exact nature of such disability (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the borough township ward and election district in which the elector resides and to which he may from time to time remove together with his address in each such district and the other data required to be given upon such removal (21) the date of each election and primary at which the elector votes and (22) the signature or initials of the election officers who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit when filed by borough town or township the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar shall require him to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Who May Register Who May Vote Electors Need Register Only Once Exception Every person living in a borough town or township who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided and from and after the seventh day of September one thousand nine hundred and thirty-five no such person shall be permitted to vote at any election or primary held in this Commonwealth unless he shall have been so registered except as hereinafter provided by furnishing affidavits or by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of four years as hereinafter provided

Section 20 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the election district Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district and shall produce such other evidence as may be required to satisfy the registrar or commissioner as to his qualifications as an elector If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the county Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being

counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 21 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All Persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certified copy thereof before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit that his father was naturalized at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage to a citizen prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 22 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number or other designation of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 23 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or equalified elector of the county may appear and show cause why the petitioner should not be registered

Section 24 General Register The duplicate registration affidavits shall be placed in exact alphabetical order for each entire borough town and township under the jurisdiction of the commission and indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such borough town or township and shall not be removed from the office of the commission except upon order of the court of common pleas of the county wherein such borough town or township is located

Section 25 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed and the affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open at all times subject to reasonable safeguards rules and regulations to public inspection

Section 26 Removal Notices The Commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number or other designation of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number or other designation of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 27 Transfer of Registration (a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence and if the removal shall have been from one borough town or township to another in the same county shall transfer the duplicate registration affidavit to the proper general register

(b) Provided That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advice the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to register anew in the district in which he lives or apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must be registered anew in the district in which he lives or apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After to Have Fact Recorded (a) at any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be

enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the fifth day preceding any primary any qualified elector of the count including any watcher may petition the commission to cancel the party enrollment of any registered elector of such county who has previously enrolled as a member of a party for the pjurpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the said petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or prepare the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make written application under oath to the commission or a registrar to have such fact entered on his registration affidavit together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance no longer suffers from the disability stated by him or has voted without assistance it shall forthwith cancel on his registration affidavit the entry relating to physical disability which authorized him to have assistance

Section 29 Reports of Deaths from Registrars of Vital Statistics (a) The registrar of vital statistics of every borough town and township shall report in writing at least monthly to the registration commission the deaths of residents of such governmental until except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commission in such county and prove his identity and the commission thereupon shall correct its records accordingly

Section 30 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission in such county and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each year the commission shall send such notices by mail to each elector registered under the provisions of this act in the county

(b) Upon the return by the Post Office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proved his qualifications as an elector

Section 31 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs towns or townships of the county by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall indicate on a copy or copies of the most recent street list or other record available the anme and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission or before the registrar of his district on or before a date and hour which the notice shall appoint and which shall be not later than the fifth day preceding the election of primary next ensuing and satisfy the commission or the registrar of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affilations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 32 Comparison and Correction of Registers (a) Not later than thirty days prior to each election or primary the commission shall compare and correct the general and district registers

Section 33 Street Lists Posting Distribution Not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district in boroughs towns and townships a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets or roads and house numbers if any The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission and at the branch office in each borough and township convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Petitions to Strike Off Names At any time not later than the fifth day preceding any election or primary any qualified elector of the borough town or township and any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such borough or township setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least forty-eight hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission shall forthwith cancel the registration of such

elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 35 Delivery of District Registers to Election Officers (a) Not later than noon of the second day preceeding an election or primary the commission shall deliver the district register accurately corrected to date for each election district to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election. The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the election officers

(b) District registers when so delivered shall be contained in suitable binders so constructed that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 36 Who May Vote at Elections and Primaries Challenges Ballot Check List and Voting Check List Use of at Polls (a) Any person whose name is in the district register of any election district shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has violated any law of this Commonwealth prohibiting betting or bribery at elections or is otherwise disqualified

(b) Any person who is registered and also enrolled as a member of a political party may vote as a member of said party at any primary succeeding such registration No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot accordingly to any law providing for same at any primary election

(c) Any person although registered may be challenged at any election or primary by a registrar or by any commissioner or by a qualified elector of the election district Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(d) The affidavits of all persons so challenged shall at the close of the election be enclosed with the list of voters tally list and other papers to be filed with the prothonotary and shall be subject to examination as other election papers are

(e) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(f) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district and shall produce such other evidence as may be required to satisfy the election officers as to his qualifications as an elector If such challenged applicant shall establish the fact that he possesses all the legal qualifications of a voter to the satisfaction of the election officers he shall be permitted to vote

(g) If an elector is challenged at the primary as to party enrollment he shall be entitled to vote the ballot of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied the right to receive such ballot but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

(h) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by making affidavit as herein provided or by order of the court of common pleas as herein provided regarding appealed cases Any person who is not registered and who claims the right to vote at any election shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to vote for the period of at least two months immediately preceding such election which witness shall be sworn or affirmed and subscribed to a written or partly written and partly printed affidavit to the facts stated by him The person so claiming the right to vote shall also take and subscribe to a written or partly written and partly printed affidavit stating to the best of his knowledge and belief when and where he was born that he has been a citizen of the United States for one month and of the Commonwealth of Pennsylvania that he has resided in the Commonwealth one year or if formerly a qualified elector or a native born citizen thereof and has removed therefrom and returned that he has resided therein six months next preceding said election that he has resided in the district in which he claims to be a voter for the period of at least two months immediately preceding said election that he has not moved into the district for the purpose of voting therein and if a naturalized citizen shall also state when where and by what court he was naturalized and shall also produce his certificate of naturalization for examination

All such affidavits shall at the close of the election be enclosed with the tally list and other papers and returned with the same to the prothonotary where they shall be filed as other election papers and any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district

(f) The county commissioners shall cause to be printed for each election district a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

(i) The district register hereby provided for shall be used at each election and primary by the election officers in the place of the ballot check-list heretofore required by law

The county commissioners shall deliver to the election officers with the district register a corrected list of voters of the election district in the place of the list known as the voting check-list heretofore required by law which list of voters shall be called and used as the voting check-list

As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting as marked on the voting check

list and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The said voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the commission by the judge of election before noon on the day following the election or primary

Section 37 Entry of Information in General Registers Following Election and Primaries (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates has voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

Section 38 Cancellation of Registration Upon Failure to Vote Within Four Years Request For Reinstatement Within three months after the general election held in the year one thousand nine hundred and thirty-eight and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately pereceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of four years and that his resignation will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided Provided That the cancellation of the registration of any such elector for failure to vote within a period of four years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 39 Cancellation of Registration Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 40 Appeals to Court (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any county whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusal to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Provided That such appellant shall pay the prothonotary a fee of three dollars for filing such appeal and thereupon any judge of the said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court and proof of notice or the waiver thereof must be filed therein

(b) Any judge of said court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary and at the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the said court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The said court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 41 Production of Documents et cetera At Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 42 Subpoenas and Witness Fees (a) Any person filing any petition of any kind aforesaid with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners or other appropriating authority of the county in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas and the commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission and no such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it be issued shall have deposited with the said commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person aforesaid among those witnesses who have appeared in response to subpoenas issued as aforesaid and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission as aforesaid taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas and the accounts of such commission respecting disbursements of witness fees

out of appropriations made to such commission by the county commissioners or other appropriating authority of the county shall be subject to audit from time to time by the county controller or auditors

Section 43 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or refuses to obey its subpoena duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars and to undergo an imprisonament of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform his said duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to a fine not exceeding five hundred dollars ($500)

Section 44 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided therein this act shall be in force and take effect immediately upon approval by Governor

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 45 Repeal of Prior Law Proviso (a) The following acts of Assembly and parts of acts and any amendments and supplements thereto hereby repealed absolutely

(1) Section fifty-nine of an act entitled "An act relating to the elections of this Commonwealth" approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred nineteen)

(2) Sections one two three ten and eighteen of an act approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled "A further supplement to the act regulating elections in this Commonwealth"

(3) Section one of an act entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" approved February thirteenth one thousand eight hundred and seventy-four (Pamphlet Laws forty-four)

(4) An act entitled "An act to amend sections one two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four)

(5) An act entitled "An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides" approved June sixteenth one thousand eight hundred and ninety-one (Pamphlet Laws two hundred ninety-eight)

(6) An act entitled "An act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of May twenty-ninth one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four) fixing the place at which the assessors shall sit to perform the duties imposed upon them by the second section of the said supplement of May twenty-ninth one thousand eight hundred and ninety-one in all voting districts or precincts in this Commonwealth where temporary voting places are or may be established" approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-five)

(7) An act entitled "An act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred and thirty-four) changing the time and manner of making the registry of voters and the duties of registry assessors" approved the sixteenth day of May one thousand eight hundred and ninety-five (Pamphlet Laws seventy-five)

(8) Sections three four five six seven and eight of an act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false tempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by registration or enrollment and for voters voting or at or on any other than their own party ticket" approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

(9) An act entitled "An act fixing the compensation of election assessors in boroughs and townships at primary elections" approved June second one thousand nine hundred and fifteen (Pamphlet Laws seven hundred twenty-four)

(10) An act entitled "An act to amend section one of an act approved the sixteenth day of June one thousand eight hundred ninety-one entitled 'An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for violation resides' " approved April twentieth one thousand nine hundred and seventeen (Pamphlet Laws eighty-seven)

(11) An act entitled "An act regulating the registration and enrollment of voters in boroughs and townships before the primary election" approved the eleventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two)

(12) An act entitled "An act to amend sections four and seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three) entitled 'An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket' eliminating one of the date required of the assessors and registry assessors sitting at the polling places" approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-five)

(13) An act entitled "An act fixing the compensation of assessors and registry or assistant assesors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" approved twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten)

(14) Section one two three four and six of the act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred thirty-four)

(b) The following acts of Assembly and parts of acts are hereby repealed insofar as they relate to assessors who perform duties relative to elections in boroughs towns or townships or to the assessment or registration of voters therein.

(1) Sections fifteen and nineteen of an act entitled "A further supplement to the act regulating elections in this Commonwealth" approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one)

(2) Sections five and seven of an act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred and thirty-three eliminating the taxpaying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(c) All acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. WEISS. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—97

Allen,	Eberharter,	Lovett,	Ruth,
Arnold,	Eroe,	Lynch,	Sarraf,
Aukerman,	Falkenstein,	Male,	Scanlon,
Baine,	Finnerty,	McDermott,	Schrope,
Baker, J. J.,	Fitch,	McElroy,	Schwab,
Brancato,	Flanagan,	McHenry,	Shaw,
Brown, J. E.,	Flinchbaugh,	Melchiorre,	Shepard,
Brumbaugh,	Furman,	Mentzer,	Shugarts,
Burke,	Gerard,	Moomaw,	Siegel,
Cannon,	Haberlen,	Mooney,	Simon,
Caputo,	Hagerty,	Moran,	Sinwell,
Carr,	Harkins,	Murrin,	Smith, J. A.,
Carson,	Harmuth,	Nagel,	Smith, W. G.,
Coakley,	Hartman,	O'Keefe,	Stank,
Cohen,	Hindman,	Ominsky,	Stevens,
Coleman,	Hirsch,	Panton,	Sumney,
Condon,	Holstrom,	Patterson, C.,	Tronzo,
Coolahan,	Hoopes,	Patterson, J. W.,	Van Sickle,
Cordier,	Kane,	Pearson,	Walker,
Decker,	Kilroy,	Pfaff,	Weiss,
Dent,	Kinney,	Piole,	Welliver,
Diehl,	Klingler,	Powers,	Welsh,
Dilley,	Kobelak,	Reising,	Yourishin,
Downey, G. E.,	Long,	Ruffennach,	Zappala,

NAYS—85

Achterman,	Flynn,	Moore,	Sproul,
Alexander,	Forrest,	Muir,	Stewart,
Altenburg,	Gates,	Munley,	Stockham,
Andrews,	Green,	Nothnagle,	Stott,
Baker, F. T.,	Habbyshaw,	O'Neill,	Surface,
Baldi,	Haluska,	Parks,	Tahl,
Barnhardt,	Hamilton, R. S.,	Perry,	Terry,
Bernhard,	Hart,	Peters,	Trout,
Blumberg,	Hefferon,	Phillips,	Turner,
Boone,	Hermansen,	Rhys,	Van Allsburg,
Boyd, R.,	Hetrick,	Rinn,	Wall,
Boyer,	Horst,	Roan,	Westrick,
Brennan,	Jackson,	Root,	White,
Castor,	Jones,	Schrock,	Wickersham,
Chervenak,	Kelder,	Shortz,	Winner,
Cochran,	LaRue,	Simpson,	Witkin,
Conner,	Linderman,	Sloan,	Wood,
Davies,	Mason,	Snyder, F. E.,	Woodside,
Denning,	McCreary,	Snyder, J. L.,	Yeakel,
Downey, J. J.,	McKinney,	Sowers,	Zimmerman,
DuFort,	Merrell,	Spangler,	Sarig,
Ferko,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2139 as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 806 Section 808 Section 1404 and Section 1406 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State department commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended are hereby amended to read as follows and that Section 204 of that act as last amended by the act approved the thirtieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws one hundred twenty-five) is hereby further amended to read as follows

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch bank branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

This section shall not apply to branches sub-offices and sub-agencies established or those for which locations had been purchased or leased by deed recorded or leases actually delivered prior to the first day of March one thousand nine hundred twenty-seven or to branches sub-offices and sub-agencies which resulted from mergers or consolidations of institutions effective prior to the first day of April one thousand nine hundred twenty-seven and such institutions shall have the right to relocate the same within the corporate limits of the city borough or township in which the principal place of business is located at the time of such relocation provided that such relocation is made with the approval of the department in the manner provided by this act for any removal of the place of business of an institution

This section shall not apply to any institution which has its principal place of business in a city borough or township within this Commonwealth in which one or more national banking associations incorporated under the laws of the United States was on the first day of March one thousand nine hundred twenty-seven operating one or more branch bank branch offices agencies sub-offices sub-agencies or branch places of business for the transaction of any part of its business and any such institution may hereafter establish subject to the approval of the department and thereafter maintain and operate branch banks branch offices agencies sub-offices sub-agencies and branch places of business for the transaction of any part of its business but only within the corporate limits of the city borough or township in which its principal office is located and in which such national banking association was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business The right to establish and maintain branch banks branch offices agencies sub-offices sub-agencies or branch places of business under the provisions of this subsection shall be limited to the territory included within the corporate limits on the first day of March one thousand nine hundred twenty-seven of the respective cities boroughs or townships in which such national banking associations were on that date operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business and such right shall not extend to additional territory which may after the first day of March one thousand nine hundred twenty-seven be added to such cities boroughs or townships by annexation consolidation with one or more municipal corporations or otherwise nor shall it extend to other portions or divisions of municipal corporations to which such cities boroughs or townships may be annexed or with which they may be consolidated after that date the intention being to limit to the respective corporate limits such cities boroughs or townships as they existed on the first day of March one thousand nine hundred twenty-seven the right to establish and maintain the branch banks branch offices agencies sub-offices sub-agencies and branch places of business authorized in this section

B Any institution may continue to maintain and operate any branch bank branch office agency sub-office sub-agency or branch place of business lawfully established by such institution

C any institution may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordanee with the

provisions of this act and in the case of a private bank with the prior written approval of the department establish a branch bank branch office agency sub-office sub-agency or branch place of business at any place within this Commonwealth where at the time such institution proposes to establish such branch bank branch office agency sub-office sub-agency or branch place of business any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch bank branch office agency sub-office sub-agency or branch place of business of such national banking association

D Any institution [in any city of the first class or any city of the second class may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act establish and thereafter maintain and operate a branch bank branch office agency sub-office sub-agency or branch place of business at any place within the corporate limits of the said city of the first class or city of the second class in which its principal office is located or in any township of the first class contiguous to a city of the first class where the community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or institutions party or parties to a plan of merger or consolidation in accordance with this act]

May in the case of an incorporated institution in the manner provided in this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the Department establish a branch bank branch office agency sub-office sub-agency or branch place of business in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or other community in which such branch bank branch office agency or sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or national banking association which is a party to a plan of merger or consolidation in accordance with this act

Provided that an institution shall not have the power to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county other than the county in which its principal place of business is located if a branch bank branch office agency sub-office sub-agency or branch place of business is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated nor shall an institution have the power to establish any branch bank branch office agency sub-office sub-agency or branch place of business unless in the case of a bank a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by this act for the incorporation of such number of similar institutions as equal to the total number of its places of business including such branch bank branch office agency sub-office sub-agency or branch place of business excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand not more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the Department and in the case of a private bank unless its net worth equals a minimum amount approved by the Department

If the Department shall approve the application of a private bank to establish a branch bank branch office agency sub-office sub-agency or branch place of business any person aggrieved by the action of the Department shall have the same right of appeal as is by this act provided in the case of the Department's approval of Article of Amendment to provide for the establishment by an incorporated institution of a branch bank branch office agency sub-office sub-agency or branch place of business

E An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this act if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive committee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board or directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 806 Advertisement [The] A Except as herein otherwise provided the incorporated institution shall ad-

vertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of incorporated institution Advertisement shall appear at least three days prior to the day upon which the articles of amendment are to be presented to the Department of State [,and] .

B If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the incorporated institution shall also advertise its intention to file articles of amendment with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State The incorporated institution shall also give written notice of its intention to file such articles of amendment with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The articles shall set forth briefly

(1) The name and location of the principal place of business of the incorporated institution

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) In the case of articles of amendment the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(5) The time when the articles of amendment will be filed with the Department of State

Section 808 Approval of Articles of Amendment by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles of amendment from the Department of State conduct such examination as it may deem necessary to ascertain from the best sources of information at its command whether such amendment or amendments will be lawful not injurious to the community and in accordance with the purposes of the articles of incorporation If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the Department of Banking shall also conduct a hearing which may be attended by the officers directors or counsel of any institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The Department of Banking shall give written notice of the time and place of such hearing not less than ten days prior thereto to every institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The costs of such examination and any other charges of the Department of Banking bearing upon law for assessments by the Department of Banking of the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by costs of examinations or other charges

B. Within thirty days after the receipt of the articles of amendment from the Department of State but in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located not prior to the date fixed for the hearing required by this section the Department of Banking shall upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State If the purpose of the amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business and if the Department of Banking shall approve such amendment any person aggrieved by the action of the Department of Banking in approving the articles of amendment may appeal to the court of common pleas of the county in which it is proposed to establish such branch bank branch office agency sub-office sub-agency or branch place of business The court shall hear such appeal promptly and shall decide the matter upon its merits The court shall send to the Department of Banking a certified copy of its order

C If the Department of Banking disapproves the articles of amendment it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the incorporated institution of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking in disapproving any articles of amendment shall be conclusive and not subject to any review

Section 1404 Advertisement [The] A Except as herein otherwise provided the incorporated institution or the national banking association shall advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of surviving or new incorporated institution Advertisements shall appear at least three days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State [and].

B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the incorporated institution or national banking association shall also advertise its intention to file artcles of merger or articles of consolidation as the case may be with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State The incorporated institution or national banking association shall also give written notice of its intention to file such articles of merger or such articles of consolidation with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The articles of merger or articles of consolidation shall set forth briefly

(1) The name and the location of the principal place of business of each of the constituent corporations intending to merge or consolidate

(2) The name and the location of the principal place of business of the surviving or new incorporated institution

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving or new incorporated institution

(5) In the case of articles of merger or articles of consolidation the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located a statement that written notice of the intention to file articles of merger or articles of consolidation with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(6) The time when the articles of merger or consolidation will be delivered to the Department of State

Section 1406 Approval of Articles of Merger or Consolidation by Department of Banking A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger or articles of consolidation conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving or new incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the consolidation or merger is made for legitimate purposes

(3) Whether the interests of the depositors or other creditors and in the case of a bank a bank and trust company or trust company the shareholders are adequately protected

(4) Whether the surviving or new incorporated institution meets all the requirements of this act and violates none of its prohibitions applicable to a bank bank and trust company trust company or a savings bank as the case may be incorporated under this act

(5) Whether where a national banking association is one of the parties of the merger or consolidation it has complied with the requirements of the laws of the United States

B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the Department of Banking shall also conduct a hearing which may be attended by the officers directors or counsel of any institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The Department of Banking shall give written notice of the time and place of such hearing not less than ten days prior thereto to every institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

[B] C Within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State but in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the new or surviving incorporated institution is to be located not prior to the date fixed for the hearing required by this section the Department of Banking shall upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business and if the Department of Banking shall approve such articles any person aggrieved by the action of the Department of Banking in approving the articles of merger or articles of consolidation may appeal to the court of common pleas of the county in which it is proposed to establish such branch bank branch office agency sub-office sub-agency or branch place of business The court shall hear such appeal promptly and shall decide the matter upon its merits The court shall send to the Department of Banking a certified copy of its order

[C] D If the Department of Banking disapproves the articles of merger or the articles of consolidation it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the corporations desiring to merger or consolidate of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 2 Effective Date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeable to the provisions of the Constitution the yeas and nays were taken.

Mr. TURNER. Mr. Speaker, may I ask that the roll call be rescinded and that we be given an opportunity to say something to the House on this bill, which is considered a very important measure? There have been a great many members who have not answered to their names, and I feel with the responsibility to the Chairman of the Banking Committee, who is absent and who particularly asked us, because of his absence, to take care of these bills, that the opportunity should be given to us to say something about them to the House.

The SPEAKER. The Chair wishes to inform the gentleman from Delaware, Mr. Turner, that that is entirely a matter for the House to decide. If the House wishes to accede to his request, the House can do so. Does the gentleman wish to make a motion to that effect?

MOTION TO RESCIND ROLL CALL

Mr. TURNER. Mr. Speaker, I move that the roll call be rescinded in order to permit debate on the bill.

Mr. HOOPES. Mr. Speaker, I am compelled to remind the House that I tried to make a similar motion two weeks ago and was informed at that time that it was entirely out of order. The motion was ruled out of order by the Chair.

The SPEAKER. The Chair wishes to state that that is correct. The motion is out of order. There is nothing in order now but the completion of the roll call.

Mr. KANE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—109

Achterman,	Downey, G. E.,	Male,	Ruth,
Allen,	Downey, J. J.,	McCreary,	Sarraf,
Arnold,	Eberharter,	McDermott,	Scanlon,
Aukerman,	Eroe,	McDevitt,	Schrope,
Baine,	Falkenstein,	McElroy,	Schwab,
Baker, F. T.,	Ferko,	McHenry,	Shaw,
Barber,	Finnerty,	Melchiorre,	Shepard,
Bradley,	Fitch,	Mentzer,	Shugarts,
Brancato,	Flanagan,	Moomaw,	Siegel,
Brown, H. S.,	Flinchbaugh,	Mooney,	Simon,
Brown, J. E.,	Furman,	Moran,	Sinwell,

Brownfield,	Gerard,	Moul,	Smith, J. A.,
Burke,	Haberlen,	Munley,	Sproul,
Cannon,	Hagerty,	Nothnagle,	Stank,
Carr,	Hamilton, F. P.,	O'Keefe,	Tronzo,
Carson,	Hamilton, R. S.,	Ominsky,	Tumelty,
Castor,	Harkins,	O'Neill,	Turner,
Coakley,	Harmuth,	Panton,	Van Allsburg,
Cochran,	Hartman,	Patterson, C.,	Van Sickle,
Cohen,	Hirsch,	Patterson, J. W.,	Walker,
Coleman,	Holstrom,	Pearson,	Weiss,
Condon,	Kilroy,	Peters,	Welliver,
Coolahan,	Kinney,	Pfaff,	Welsh,
Cordier,	Klingler,	Phillips,	Witkin,
Davies,	Kobelak,	Piole,	Yourishin,
Decker,	LaRue,	Powers,	Zappala,
Denning,	Long,	Rinn,	Sarig,
Diehl,	Lynch,	Ruffennach,	

NAYS—62

Alexander,	Hermansen,	Perry,	Stockham,
Baker, J. J.,	Hetrick,	Reising,	Stott,
Blumberg,	Hoffner,	Reynolds,	Sumney,
Boose,	Jackson,	Rhys,	Tahl,
Brennan,	Jones,	Roan,	Terry,
Caputo,	Kane,	Root,	Trout,
Chervenak,	Kelder,	Schrock,	Wall,
Dent,	Linderman,	Shortz,	Wasserman,
Dilley,	Lovett,	Simpson,	Westrick,
Flynn,	Mason,	Sloan,	White,
Forrest,	McKinney,	Snyder, F. E.,	Winner,
Green,	Merrell,	Snyder, J. L.,	Wood,
Habbyshaw,	Moore,	Spangler,	Woodside,
Haluska,	Murrin,	Stevens,	Yeakel,
Hart,	Nagel,	Stewart,	Zimmerman,
Hefferon,	Parks,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 284, 1064, 1151, 1152, 1153, 1236, 1594 AND 1698

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 9, 1935

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 284, Printer's No. 35, entitled, "An Act Granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest."

House Bill No. 1064, Printer's No. 482, entitled, "An Act to amend section two thousand one hundred and twenty-three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' amplifying contractural rights as to joint sewers."

House Bill No. 1151, Printer's No. 822, entitled, "An Act to amend section two thousand nine hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by further equalizing license taxes on residents and non-residents and providing further exception to the tax on transient merchants

House Bill No. 1152, Printer's No. 823, entitled, "An Act to amend section two thousand six hundred and twenty-one as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by providing further exceptions to the tax on transient merchants."

House Bill No. 1153, Printer's No. 594, entitled. "An Act to further amend section two thousand nine hundred ten of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' by further equalizing license taxes on residents and non-residents and providing further exceptions to the tax on transient merchants."

House Bill No. 1236, Printer's No. 398, entitled, "An Act to further amend subsection (a) of section seven hundred and twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing certain exemptions from the payment of fees provided for therein."

House Bill No. 1594, Printer's No. 868, entitled, "A Supplement to the act approved the third day of June one thousand nine hundred thirty-three (Appropriation Acts page one hundred sixty-nine) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-three" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-five and for deficiencies to the legislative department for the legislative session of one thousand nine hundred and thirty-five."

House Bill No. 1698, Printer's No. 608, entitled, "An Act to amend sections three five seven eight ten twelve and thirteen of and to add section fifteen A to the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" further regulating barber shops barber schools and persons desiring licenses under the provisions of the act."

GEORGE H. EARLE.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 13, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvenes Monday evening, May 20, 1935 at nine o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday evening, May 20, 1935, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 13, 1935.

Resolved (if the Senate concur), That House Bill No. 817, Printer's No. 111, entitled "An act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled 'An act relating to retirement from the Pennsylvania National Guard' by including service in United States Navy or Marine Corps in preferred classifications," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate, has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 13, 1935.

Resolved (if the Senate concur), That House Bill No. 815, Printer's No. 960, entitled "An act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of State Normal Schools or Teacher Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' requiring certain qualifications for the Adjutant General and establishing a board for the determination and payment of minor damages caused by the National Guard," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 1826.

An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honeybees.

HOUSE BILL NO. 2324.

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs.

With the information that the Senate has passed the same without amendment.

REPORTS FROM COMMITTEES

Miss BRANCATO, from the Committee on Law and Order, reported as committed, House Bill No. 1703, entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical, or mechanical musical accompaniment, prelude playing or selection incidental thereto on Sunday, during certain hours; and also during other hours; unless the electors of a municipality approve thereof; providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

BILL ON FIRST READING

Miss BRANCATO asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1703, entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection incidental thereto on Sunday, during certain hours; and also during other hours, unless the electors of a municipality approve thereof; providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

TIME EXTENDED ON BILL

Mr. CAPUTO. Mr. Speaker, I move that the time on House Bill No. 1605, Printer's No. 800, entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation

on page 27 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. CAPUTO. Mr. Speaker, I move that the time on House Bill No. 952, Printer's No. 684, entitled:

A Supplement to the act approved the twenty-second day of May one thousand eight hundred ninety-five (Pamphlet Laws ninety-nine) entitled "An act to punish pool-selling receiving and transmitting bets or aiding in pool-selling or betting"

on page 2 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL INTRODUCED

Mr. TURNER asked and obtained unanimous consent to introduce a bill the title of which was read by the Clerk for the information of the House as follows:

An Act relating to flood prevention work and dykes along the Delaware River and Darby Creek in Tinicum Township, Delaware County; conferring powers and imposing duties on the Department of Forests and Waters in connection therewith; and making an appropriation.

The SPEAKER. The bill will be filed with the Clerk.

TIME EXTENDED ON BILL

Mr. PIOLE. Mr. Speaker, I move that the time on House Bill No. 2539, Printer's No. 945, entitled:

An Act to amend the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties;" by adding a new section thereto authorizing the sale and providing for the use of the list of persons licensed under the provisions of the act; and providing for the payment of all moneys received thereby into the General Fund.

on page 29 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. DENNING. Mr. Speaker, I move that the time on House Bill No. 1763, Printer's No. 724, entitled:

An Act providing that pawnbrokers shall not sell or dispose of property taken by them as pledge or for storage until after a certain period of time

on page 33 of today's calendar, bills on third readin; postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. DENNING. Mr. Speaker, I move that the time on House Bill No. 1764, Printer's No. 712, entitled:

An Act limiting the rates pawnbrokers are allowed tc charge

on page 33 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. MASON. Mr. Speaker, I move that the time on House Bill No. 57, Printer's No. 759, entitled:

An Act revising and consolidating the laws relating to the time for filing reports of viewers to continuances to final confirmation of such report or portions thereof where no exceptions are filed or appeals taken or reviews asked for and to the collection of damages in such proceedings

on page 33 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL ON THIRD READING

Mr. CHERVENAK. Mr. Speaker, I desire to call up at this time House Bill No. 2513, Printer's No. 781, on page 35, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Chervenak.

The House resumed the consideration on third reading of House Bill No. 2513, entitled:

An Act providing for the incorporation as bodies corporate and politic of "Authorities" for counties defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and for other purposes

On the question recurring,

Will the House agree to the bill on third reading?

Mr. CHERVENAK. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 2, page 2, line 13 by adding at the end of the line after the word "county" the words: "other than counties of the first class"

Amend Sec. 2, page 2, line 18 by inserting after the word "county" and before the word "of" the words: "other than counties of the first class"

Amend Sec. 3, page 3, line 10 by inserting after the word "county" and before the word "shall" the words: "other than counties of the first class"

Amend Sec. 3, page 4, line 26 by striking out after the word "shall" and before the word "the" the word "[file]" and inserting in lieu thereof the words: "transmit the same to the Governor for his approval and if the Governor approves"

Amend Sec. 3, page 4, line 27 by striking out at the beginning of the line before the article "a" the words: "[and issue]"

Amend Sec. 3, page 4, line 27 by inserting after the word "incorporation" and before the word "to" the words: "shall issue"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Judiciary Special will hold a public meeting on Senate Bill No. 666, tomorrow, at 3:00 P. M. in room 324.

The Committee on Appropriations will meet in room 326 at 9:00 A. M. tomorrow.

The Committee on Agriculture will meet in room 324 at 10:00 A. M. tomorrow.

The Committee on Elections will meet in room 323 at 9:30 A. M. tomorrow.

The Committee on Judiciary General will meet in room 325 at 10:00 A. M. tomorrow.

The Committee on Highways will meet in room 324 at 7:30 P. M. tomorrow.

The Committee on Cities will meet in room 323 at 10:30 A. M. tomorrow.

The Committee on Banking will meet in room 323 after the morning session tomorrow.

The Committee on Labor will meet in room 325 after the morning session tomorrow.

The Committee on Constitutional Amendments will meet in room 326 at 10:30 A. M. tomorrow.

The Committee on Federal Relations will meet in room 521 at 9:00 A. M. tomorrow.

There will be no meeting of the Committee on Judiciary Special tomorrow.

There will be no meeting of the Committee on Law and Order tomorrow.

ANNOUNCEMENT BY THE SPEAKER

The Chair wishes to announce at this time that the members of the Rules Committee will meet in the Speaker's office for just a few minutes after this session. Immediately after this session the members of the Rules Committee will meet in the Speaker's office.

ADJOURNMENT

Mr. SIMON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 a. m.

The motion was agreed to, and (at 12:51 a. m.) the House adjourned until Tuesday, May 14, 1935, at 11:00 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, MAY 14, 1935 No. 61

SENATE

TUESDAY, May 14, 1935.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Thy Word, O God, teaches us that no man liveth unto himself and no man dieth unto himself. Each of our lives is influenced by the lives of those with whom we daily come in contact. We are today largely what others have made us. Our parents, our teachers, our associates have wielded a mighty power in molding the characters we today possess. How important then it is for us to choose with care the men with whom we associate, the books we read and the surroundings in which we permit ourselves to be placed.

We also exert a subtile yet mighty influence upon the men whose lives we touch. May we live carefully. Lead us day by day so that the words we speak and the activities in which we engage shall tend to inspire and uplift those with whom we touch elbows and rub shoulders as we walk along life's road.

Living, we make the world better or worse. Dying, the record we have written will persist to the betterment or detriment of others.

May today be a segment of time devoted by this Senate to making Pennsylvania a better State in which to live. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RANKIN, the further reading was dispensed with, and the Journal approved.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petition signed by numerous residents of Pittsburgh protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

OPPOSING A GENERAL SALES TAX

The Chair also laid before the Senate petition from the Pennsylvania Restaurant Association, Allentown, opposing a general sales tax.

Which was referred to the Committee on Finance.

FAVORING CONSTRUCTION OF VIADUCTS AND DAMS AS PART OF THE GOVERNMENT RELIEF PROGRAMME

Mr. LAW presented petitions from the Council of the City of Farrell favoring construction of certain projects as part of the Government relief programme.

Which was referred to the Committee on Highways.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA STATE COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation.

P. J. Denman, of Bradford, McKean County, as a member of the Board of Trustees of the Pennsylvania State College, vice Ralph T. Zook, resigned, until July 1, 1935.

Col. J. Hale Steinman, of Lancaster, Lancaster County, as a member of the Board of Trustees of the Pennsylvania State College, vice Miss Florence Dibert, whose term expired, until July 1, 1937.

Joseph B. Shaw, of Harrisburg, Dauphin County, as a member of the Board of Trustees of the Pennsylvania State College, vice Edward B. Dorsett, whose term expired, until July 1, 1937.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BERKS COUNTY

Walter H. Kochard, Reading.
Mrs. Caroline P. Muntz, Reading.

BLAIR COUNTY

Charles L. Rabold, Altoona.

BRADFORD COUNTY

Mrs. Marie F. Hallett, Canton.

CHESTER COUNTY

C. Gilbert Hazlett, Kennett Square.

ERIE COUNTY

Mrs. Adda B. Post, Erie.

McKEAN COUNTY

Jack J. McDowell, Bradford.

GEORGE H. EARLE.

SHERIFF

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Russel R. Lindsley, of Bradford, McKean County, as Sheriff of McKean County, vice Fred T. Ludwick, removed from office by order of Court, until the first Monday of January, 1936, and until his successor shall be duly qualified.

GEORGE H. EARLE.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 2007 (Senate Bill No. 1310), entitled:

An Act providing that when any person held under arrest shall request the privilege and means of notifying his family or others of his arrest and imprisonment, those persons in charge of such prisoner, shall grant such request.

Which was committed to the Committee on Judiciary General.

House Bill No. 2139 (Senate Bill No. 1311), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

Which was committed to the Committee on Banking.

House Bill No. 2489 (Senate Bill No. 1312), entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets; providing that no assessments shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said street after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase or city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

Which was committed to the Committee on Highways.

House Bill No. 2512 (Senate Bill No. 1313), entitled:

An Act staying legal proceedings against banks, bank and trust companies and trust companies engaged in a fiduciary business, where any such corporation has guaranteed or otherwise obligated itself to pay, in cash, the amount or value of trust assets placed with it for investment and the same have been invested in mortgages or participation in mortgages, or in pools or funds of mortgages; and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

Which was committed to the Committee on Judiciary General.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported the following bills passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 4, entitled:

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs; and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs.

Senate Bill No. 609, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.

House Bill No. 851, entitled:

An Act to amend paragraphs one and two of section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 681), entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard; imposing duties upon the Department of Military Affairs," altering qualification requirements for the award of such medals.

House Bill No. 1826, entitled:

An Act to amend section four hundred and forty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honeybees.

House Bill No. 2324, entitled:

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained, from rabies, where there is no proof of such livestock having been bitten by dogs.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 13, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvenes Monday evening, May 20, 1935 at nine o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday evening, May 20, 1935, at nine o'clock, Eastern Standard Time.

RESOLUTION MEMORIALIZING PRESIDENT ROOSEVELT TO APPROVE BILL GRANTING IMMEDIATE CASH PAYMENT OF ADJUSTED COMPENSATION TO VETERANS.

He also presented extract from the Journal of the House of Representatives, which was twice read, as follows:

In the House of Representatives, May 13, 1935.

Whereas, The General Assembly of the Commonwealth of Pennsylvania, by concurrent resolution adopted by the House of Representatives on February 20, and agreed to by the Senate on March 5, petitioned the Congress of the United States to enact legislation providing for the immediate cash payment of adjusted compensation to veterans; and

Whereas, The Congress of the United States has, by an overwhelming vote, passed legislation so providing; and

Whereas, The bill is at present before the President of the United States for action; now, therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions His Excellency, the President of the United States, to approve such measure; and, be it further

Resolved, That upon agreement by the Senate to this resolution, the Chief Clerk of the Senate shall forthwith send to the President of the United States a telegram, the subject matter of which shall be in manner and form as follows:

"The General Assembly of the Commonwealth of Pennsylvania has this day by resolution memorialized your Excellency to approve the bill before you granting immediate cash payment of adjusted compensation to veterans," and, be it further

Resolved, That a copy of this resolution, properly attested by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Chief Clerk of the House of Representatives to His Excellency, the President of the United States.

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideraion of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

The PRESIDENT. In the absence of the Chief Clerk of the Senate, the Chair instructs the Secretary of the Senate to forward an appropriate telegram in line with the resolution.

REPORTS FROM COMMITTEES

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

James B. Reed, P. O. Box 1675, Pittsburgh.

BEAVER COUNTY

Miss Sophia D. Paige, Beaver Falls.

BLAIR COUNTY

Mrs. Mildred M. Mitchell, Altoona.

BUTLER COUNTY

Miss Mildred G. McMahan, Butler.

DAUPHIN COUNTY

Sylvio V. Lewis, Steelton.

DELAWARE COUNTY

Mrs. Gladys L. Scholl, Chester.

LEHIGH COUNTY

Eugene K. Twining, Allentown.

LYCOMING COUNTY

Ira F. Smith, Williamsport.

PHILADELPHIA COUNTY

Woodward Abrahams, City Hall, Philadelphia.
Benjamin Disson, 2407 N. 31st St., Philadelphia.
Mrs. Florence B. Harvey, 1591 N. 52nd St., Philadelphia.
August J. Kolbe, 1222 N. 29th St., Philadelphia.
Ralph M. Reeve, 510 Walnut St., Philadelphia.
Miss Ada M. Smith, 1310 Arch St., Philadelphia.
Jacob Stern, Walnut and Juniper Sts., Philadelphia.
Joseph A. Tanzola, 15th and Chestnut Sts., Philadelphia.
Miss Mary F. Tempest, 1213 Chestnut St., Philadelphia.
George W. West, Jr., 5905 Torresdale Ave., Philadelphia.
Miss Mary M. Willy, 1608 Walnut St., Philadelphia.

SCHUYLKILL COUNTY

Chester H. Reed, Valley View.
Mrs. Viola M. Umbenhauer, Pine Grove.

UNION COUNTY

Miss Sara K. Herman, Lewisburg.

WASHINGTON COUNTY

Miss Marian Crispin, Washington.

WESTMORELAND COUNTY

Miss Mamie Dobas, Monessen.

YORK COUNTY

Walter M. Senft, York.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite his name:

BUCKS COUNTY

John A. Collins, Morrisville, May 26, 1935.

GEORGE H. EARLE.

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

William A. Walker, of Warren, Warren County, as a Workmen's Compensation Referee, vice G. Scott Smith, removed from office, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Shapiro,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenhelm,
Graff,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. BAUMER. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. CHAPMAN from the Committee on Public Health reported as committed, Senate Bill No. 1257, (House Bill No. 2067), entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental, patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties".

Mr. REED (Dauphin), from the Committee on Education, reported as committed, Senate Bill No. 1189, (House Bill No. 2035), entitled:

An Act to amend article fourteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school.

Mr. CAVALCANTE, from the Committee on Appropriations, reported as committed, or as amended, Senate Bill No. 647 (House Bill No. 902), entitled:

An Act making a deficiency appropriations to the Department of Military Affairs.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1239, entitled:

An Act making an appropriation to the Secretary of Property and Supplies for the payment of the claim of the plumbing subcontractor in connection with certain work at the California State Teachers College.

Mr. THOMPSON (Centre), from the Committee on Education, reported as committed, Senate Bill No. 1214 (House Bill No. 2205), entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers

Mr. McCREESH from the Committee on Agriculture, reported as committed, Senate Bill No. 1270, (House Bill No. 1738), entitled:

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Com-

monwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations

Mr. REED (Washington), from the Committee on Education, reported as committed, Senate Bill No. 1193 (House Bill No. 2194), entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof tha tare or may be inconsistent therewith" making it unlawful for any board or school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ

Mr. KAHLE from the Committee on Public Health, reported as committed, Senate Bill No. 1201 (House Bill No. 2637), entitled:

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances.

BILL RECOMMITTED

Mr. KAHLE. Mr. President, I move that Senate Bill No. 1201 (House Bill No. 2637) the bill just reported from the Committee on Public Health, be recommitted to the Committee on Appropriations.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. ARON from the Committee on Municipal Government, reported as committed, Senate Bill No. 863, (House Bill No. 1734), entitled:

An Act providing for the laying out, widening, extending and relocating by cities of the first class of highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state, and for the construction thereof and of appurtenances thereto; authorizing the acquisition by gift, purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction; providing for the acquisition of a fee simple title; authorizing the use, sale or leasing, subject to restrictions, by the city of additional land and property acquired, and the erection, occupation, use, sale or leasing of buildings and structures thereon by the city; and authorizing and prescribing the procedure for the assessment of damages and benefits.

BILL RECOMMITTED

Mr. NORTON read in his place and presented to the Chair, Senate Bill No. 1314, entitled:

An Act to amend clause (b), section four hundred fifteen, article four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair, Senate Bill No. 1315, entitled:

An Act to amend sections three hundred and forty-one, three hundred and forty-two, and three hundred and forty-three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to Insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing; existing laws" by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth, and by validating certain titles thereto.

Which was committed to the Committee on Insurance.

Mr. HARVEY read in his place and presented to the Chair, Senate Bill No. 1316, entitled:

An Act to amend subsection (e) of section ninety of the act approved the second day of May, one thousand nine hundred and twenty-five, (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," changing the resident citizens fees for use of pound nets.

Which was comimtted to the Committee on Game and Fisheries.

Mr. CAVALCANTE read in his place and presented to the Chair, Senate Bill No. 1317, entitled:

An Act requiring authorities in charge of State, State aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs.

Which was committed to the Committee on State Governmen.

Mr. PYTKO read in his place and presented to the Chair, Senate Bill No. 1318, entitled:

An Act to amend section one of the act approved the second day of February, one thousand eight hundred sixty-seven, entitled "A further supplement to an act, entitled 'An Act to promote the more certain and equal assessment of taxes in Philadelphia," approved March fourteenth, one thousand eight hundred and sixty-five", by limiting the number of members of the board of revision of taxes which may be appointed from any one political party.

Which was committed to the Committee on Judiciary Special.

Also read in his place and presented to the Chair, Senate Bill No. 1319, entitled:

An Act to amend section one of the act approved the fifth day of May, one thousand nine hundred twenty-one (P. L. 346) entitled "An act to amend section one of the act, approved the twenty-fourth day of March, one thousand nine hundred and three (P. L. 51), entitled "An act providing for the manner of appointment of

assessors, for the purpose of valuation of property, in counties containing a population of one million two hundred and fifty thousand or over'; applying said act to counties of the first class; and providing for the appointment of assessors without regard to party affiliation", by restricting the number of assessors which may be appointed from any one political party.

Which was committed to the Committee on Judiciary Special.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL NO. 88, RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 88, entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

BILL LAID ON TABLE

Mr. SHAPIRO. Mr. President, I move that the bill be laid on the table.

Mr. THOMPSON (Westmoreland). Mr. President. I second the motion.

The motion was agreed to.

AMENDMENT TO HOUSE BILL NO. 1885. RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1885, entitled:

An Act to amend section two hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925," by exempting from the provisions thereof persons fishing in the waters of the Delaware River, lying between New York and Pennsylvania; holding a fishing license issued by the State of New York.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

BILL LAID ON TABLE

Mr. LAW. Mr. President, I move that the bill be laid on the table.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess until 5:00 P. M. today.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 1273 (House Bill No. 2216), entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters

Also from the Committee on Highways reported as committed, Senate Bill No. 1041, entitled:

An act to amend section one of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 509), entitled "An act relating to petitions for laying out certain public roads, and to reports of viewers thereon," extending said act to the laying out of public roads for the benefit of property owners on vacated public highways.

Mr. GRAFF. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GRAFF from the Committee on Game and Fisheries, reported as amended, Senate Bill No. 1125 (House Bill No. 2175), entitled:

An Act to amend section one of the act approved the twenty-ninth day of May, one thousand nine hundred and seventeen (P. L. 322), entitled "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles or terrapin out of season.

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 1279 (House Bill No. 2477), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices

Mr. MALLERY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 1123 (House Bill No. 2117), entitled:

An Act to amend section two hundred and fifty-four of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amend, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

Also from the Committee on Highways reported as committed Senate Bill No. 1235, entitled:

An Act to further amend section ten of the act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draftsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof, conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of a State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highway; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the construction, reconstruction and maintenance of foot bridges over certain bridges by the Department of Highways.

Also from the Committee on Judiciary General reported as committed, Senate Bill No. 1203 (House Bill No. 1147), entitled:

An Act creating a right to proceed upon appeals to the Supreme Courts without printing briefs and or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefits thereof.

Also from the Committee on Judiciary General reported as committed, Senate Bill 234, entitled:

An Act to amend paragraph (a) of section twenty-three of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 337), entitled "An act relating to the jurisdiction, powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution, and the fees, costs and expences therein," as amended; providing that the orphans' court may order the sale of real estate of a decedent upon petition of a majority of the parties in interest.

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Game and Fisheries, re-reported as committed, Senate Bill No. 241, entitled:

An Act to amend section four hundred and two of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended relating the issuance of special licenses to taxidermists

Also from the Committee on Game and Fisheries reported as committed, Senate Bill No. 1316, entitled:

An Act to amend subsection (e) of section ninety of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448),, entitled "An act relating to fish; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," changing the resident citizens fees for use of pound nets.

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on Judiciary General reported as committed, Senate Bill No. 553 (House Bill No. 493), entitled:

An Act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Judiciary General reported as committed, Senate Bill No. 762 (House Bill No. 1209), entitled:

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties.

Also from the Committee on State Government re-reported as committed, Senate Bill No. 864 (House Bill No. 1776), entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

Mr. BENNETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BENNETT from the Committee on Game and Fisheries re-reported as committed, Senate Bill No. 1149 (House Bill No. 1683), entitled:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (P. L. 497) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances.

Also from the Committee on Highways reported as committed, Senate Bill No. 1230, entitled:

An Act to amend Route Seventy-seven of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of material to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by revisions of this act,"

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations re-reported as committed, Senate Bill No. 1201 (House Bill No. 2637), entitled:

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances

Also from the Committee on Agriculture reported as committed, Senate Bill No. 1278 (House Bill No. 2393), entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 541) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculure to adopt rules and regulations

Also from the Committee on Agriculture, re-reported as committed, Senate Bill No. 1070, (House Bill No. 1641) entitled:

An Act for the protection of producers of farm produce providing for the licensing bonding and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

Mr. HARVEY. Fr. President, I ask unanimous consent to make report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARVEY from the Committee on Forests and Waters reported as amended, Senate Bill No. 1194, (House Bill No. 2270) entitled:

An Act to further amend section three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp, and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers; confirming and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir; providing for the acquisition of necessary lands therefor, and the necessary agreements and releases relating thereto, and the disposition of surplus land and materials," conferring additional powers and duties on the Water and Power Resources Board.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Highways reported as amended, Senate Bill No. 1287, entitled:

An Act to amend section one thousand twenty-five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, authorizing the Secretary of Revenue in certain cases to offer and pay rewards for information resulting in the arrest and conviction of hit and run drivers, and requiring such drivers to pay the amount of such rewards in addition to the existing penalties.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 1288, entitled:

An Act to amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees: providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highmay Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work to be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not effected by provisions of this act," as amended, requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools.

Mr. HUNSICKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUNSICKER from the Committee on State Government, re-reported as amended, House Resolution No. 31:

In the House of Representatives, January 29, 1935.

Whereas(unemployed relief has heretofore generally been distributed by the State Emergency Relief Board in the form of food and clothing vouchers or orders; and

Whereas, many persons are of the opinion that such distribution should be in the form of direct or cash relief; and

Whereas, that method of distribution is already in effect in the counties of Philadelphia and Allegheny; and

Whereas, it is of paramount importance that milk be always available to the needy, particularly to the ill and to children; and

Whereas, the State Emergency Relief Board is able to procure milk more cheaply than destitute families can purchase it directly; therefore, be it

Resolved (if the Senate concur), by the General Assembly of the Commonwealth of Pennsylvania, That the State Emergency Relief Board be urged to continue the direct distribution of milk without regard to the method or methods which may be adopted in the distribution of relief generally; and, be it further

Resolved, That a copy of this resolution be forwarded to the Director of the State Emergency Relief Board of this Commonwealth.

Which was laid on the table.

Mr. PYTKO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO from the Committee on State Government reported as committed, Senate Bill No. 1298, entitled:

An Act prohibiting anyone engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief, and imposing a penalty

Also from the Committee on State Government, reported as amended, Senate Bill No. 853 (House Bill No. 953), entitled:

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humans and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are withdrawn or not proceeded with

Mr. BAUMER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BAUMER from the Committee on Highways, reported as committed, Senate Bill No. 1005, entitled:

An Act to amend the penal clause of section nine hundred and three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribing fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Judiciary General, reported as committed, Senate Bill No. 1252 (House Bill No. 910), entitled:

An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 309), entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Judiciary General reported as committed, Senate Bill No. 235, entitled:

Senate Bill No. 235, entitled:

An Act to amend the title and to re-enact sub-section (b) of section thirty-five as amended of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof, judgements and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtailage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor, appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA STATE COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to hereby nominate for the advice and consent of the Senate the following persons:

P. J. Denman, of Bradford, McKean County, as a member of the Board of Trustees of the Pennsylvania State College, vice Ralph T. Zook, resigned, until July 1, 1935.

Col. J. Hale Steinman, of Lancaster, Lancaster County, as a member of the Board of Trustees of the Pennsylvania State College, vice Miss Florence Dibert, whose term expired, until July 1, 1937.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Salus,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. BUCKMAN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN read in place and presented to the Chair, Senate Bill No. 1320, entitled:

An Act to further amend section eight of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire of any alcohol, alcoholic liquid to alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," by permitting manufactures to import alcohol or alcoholic liquids for certain purposes.

Which was committed to the Committee on State Government.

Also read in place and presented to the Chair, Senate Bill No. 1321, entitled:

A Supplement to the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys, authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in, such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," providing for the granting by the Pennsylvania Liquor Control Board of special wine permits for the purchase, bottling and sale of wine; and authorizing the sale of wine by holders of licenses to sell malt liquor, and the sale of wine by manufacturers to special wine permittees.

Which was committed to the Committee on State Government.

Mr. RUPP. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP read in place and presented to the Chair, Senate Bill No. 1322, entitled:

An Act abolishing certain poor districts and creating certain other poor districts; providing for the administration of such new districts; and transferring to the poor districts created by this act all the property, rights, powers, privileges, duties and liabilities of the old districts abolished by this act.

Which was committed to the Committee on State Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. HARRIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, will state his question of personal privilege.

Mr. HARRIS. Mr. President, I believe that it is quite necessary, and important, that the Senate should know from an official source the real situation in this State as to the money now left in the treasury for relief; and I will read—and ask that it be made a part of the record—a letter from Robert L. Johnson, Administrator of the State Emergency Relief Fund. The letter is as follows:

"The fund situation for the Relief and Work Programs of the State Emergency Relief Board has reached a very serious point.

"Unless appropriations are made today it will be necessary to terminate the Relief and Work Programs tomorrow, May 15. However, after providing funds for all obligations that have been made to date there is a sufficient unobligated balance in our funds to make it possible to carry cash relief in Philadelphia and Allegheny Counties on an extra day, and possibly two days, beyond the 15th.

"Should appropriations be made by legislative enactment, making it possible for us to obtain a grant from the Federal Emergency Relief Administration, our cash

position is such that we can arrange, by deferring payments of relief in kind, to continue the Relief and Work Programs without interruption pending receipt of actual cash from these sources to clear the treasury not later than Monday, May 20."

Mr. PRESIDENT, I ask that this be printed in the Journal as part of today's proceedings.

The PRESIDENT. The statement made by the Senator from Allegheny, Mr. Harris, together with the letter from State Emergency Relief Administrator Robert L. Johnson, will be printed in the Legislative Journal as part of today's proceedings.

CONSIDERATION OF CALENDAR DEFERRED

Mr. CLARK. Mr. President, I move that the consideration of all bills on today's calendar be deferred until tomorrow.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. BUCKMAN. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 234, entitled:

An Act to amend paragraph (a) of section twenty-three of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 357), entitled "An act relating to the jurisdiction, powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution, and the fees, costs and expenses therein," as amended; providing that the orphans' court may order the sale of real estate of a decedent upon petition of a majority of the parties in interest.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 235, entitled:

An Act to amend the title and to reenact subsection (b) of section thirty-five as amended of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein. and suits against fiduciaries: investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 553 (House Bill No. 493), entitled:

An Act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 647 (House Bill No. 902), entitled:

An Act making a deficiency appropriation to the Department of Military Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 762 (House Bill No. 1209), entitled:

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 853 (House Bill No. 953), entitled:

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are withdrawn or not proceeded with.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 863 (House Bill No. 1734), entitled:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1005, entitled:

An Act to amend the penal clause of section nine hundred and three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways peace officers mayors burgesses magistrates aldermen, justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1041, entitled:

An Act to amend section one of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 509) entitled "An act relating to petitions for laying out certain public roads, and the reports of viewers thereon," extending said act to the laying out of public roads for the benefit of property owners on vacated public highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1123 (House Bill No. 2117), entitled:

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1125 (House Bill No. 2175), entitled:

An act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and seventeen (P. L. 322) entitled "An act to give protection and to regulate the catching or taking or having in possession within this Commonwealth of any bullfrogs tadpoles and terrapin and providing penalties and punishments for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how any by whom the costs in such cases shall be paid" providing penalties for catching or killing bullfrogs tadpoles or terrapin out of season.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1149 (House Bill No. 1683), entitled:

An act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (P. L. 497) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1189 (House Bill No. 2035), entitled:

An Act to amend article fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1193 (House Bill No. 2194), entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" making it unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1194 (House Bill No. 2270), entitled:

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1530), entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the estblishment of a reservior for the flood control of Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservior providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and matrials" conferring additional powers and duties on the Water and Power Resources Board.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1203 (House Bill No. 1147), entitled:

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and/or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefit thereof.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1214 (House Bill No. 2205), entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws gneral special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1230, entitled:

An Act to amend route Seventy-seven of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs an incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of a State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, mantenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requring contracts by counties, townships, boroughs, and incoporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs, providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1235, entitled:

An Act to further amend section ten of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highways Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointetes; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and de-

fining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the construction, reconstruction and maintenance foot bridges over certain bridges by the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1239, entitled:

An Act making an appropriation to the Secretary of Property and Supplies for the payment of the claim of the plumbing subcontractor in connection with certain work at the California State Teachers College.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1252 (House Bill No. 910), entitled:

An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 309) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1257 (House Bill No. 2067), entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1270 (House Bill No. 1738), entitled:

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 682) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1273 (House Bill No. 2216), entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1278 (House Bill No. 2393), entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 541) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1279 (House Bill No. 2477), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1287, entitled:

An Act to amend section one thousand and twenty-five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, authorizing the Secretary of Revenue in certain cases to offer and pay rewards for information resulting in the arrest and conviction of hit and run drivers, and requiring such drivers to pay the amount of such rewards in addition to the existing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1288, entitled:

An Act to amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or requiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1298, entitled:

An Act prohibiting anyone engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief, and imposing a penalty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1316, entitled:

An Act to amend sebsection (e) of section ninety of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," changing the resident citizens fees for use of pound nets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENT

Mr. HUFFMAN. Mr. President, the sub-committee was appointed and sat all the afternoon on the question of amendments necessary on the revenue bills. This committee has worked, as I said, all the afternoon, and have been unable to finish the work. There has been no disagreement at all in the work, and I am making this statement so that it will be understood why we are not reporting them and voting on them today. We intend to continue our work on them tomorrow morning, and the bills will be reported out as soon as the work has been completed.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow at 12 o'clock noon.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:45 P. M. until Wednesday, May 15, 1935, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

TUESDAY, May 14, 1935.

The HOUSE met at 11:00 A. M.

The SPEAKER (Wilson G Sarig) in the chair.

PRAYER

The Reverend Frank W Ruth, a member of the House, offered the following prayer:

Our Father we come to Thee this morning to praise Thee for Thy wonderful goodness unto men. In this new day Thou hast given us a new challenge to do Thy will. May Thy spirit guide us so that when we lie down to sleep tonight, when we look back upon this day we can feel that we have done Thy will.

In the Master's name, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The CLERK proceeded to read the Journal of yesterday, when, on motion of Mr. ALEXANDER the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. JOHN E. BROWN HOUSE BILL No. 2851.

An Act providing for the levy and collection of an emergency excise tax for school purposes, in relief of taxes on real property, upon sales of tangible personal property at retail; requiring vendors to be licensed, and imposing duties on vendors; and prescribing penalties.

Referred to the Committee on Ways and Means.

By Mr. COHEN HOUSE BILL No. 2852.

An Act creating a joint legislative committee to be known as the Joint State Government Committee; and defining its powers and duties.

Referred to the Committee on State Government.

By Mr. RUTH HOUSE BILL No. 2853.

An Act imposing a state tax upon checks, drafts, assignments and other written evidences for the payment and transfer of maney honored by banks, by payment or by receipt for deposit, imposing duties and liabilities on banks, bank and trust companies, trust companies, private banks, savings banks, savings institutions, savings banks and national banking associations, conferring powers and imposing duties on certain State officers and departments, making an appropriation and imposing penalties.

Referred to the Committee on Ways and Means.

By Mr. TURNER HOUSE BILL No. 2857.

An Act relating to flood prevention work and dykes along the Delaware River and Darby Creek in Tinicum Township, Delaware County; conferring powers and imposing duties on the Department of Forests and Waters in connection therewith; and making an appropriation.

Referred to the Committee an Forestry.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. MOOMAW. (Concurrent) RESOLUTION NO. 145

In the House of Representatives, May 13, 1935.

Whereas, Concurrent Resolution No. 143, Serial No. 198, Printer's No. 965, adopted by the House of Representatives on May 6th, 1935, and agreed to by the Senate on May 8th, 1935, has been recalled from the Governor; and

Whereas, The main reason for such recall was that the General Assembly, on mature consideration, felt that certain provisions thereof were unconstitutional in the binding effect they exercised upon the General Assembly; and

Whereas, It is the fixed belief of both Houses that the subject matter of said Resolution is of paramount importance and requires immediate action; therefore, be it

Resolved (if the Senate concur), That the Executive Director of the State Emergency Relief Board be urged to submit to an advisory committee, hereby created in each county, to consist of five members, two of whom shall be members of the party polling the highest vote in the county at the last preceding November election, to be appointed by the county chairman of such party, two of whom shall be members of the party polling the next highest vote at the last preceding November election, to be appointed by the county chairman of such party, and a fifth member to be selected by a majority of the four so appointed, a list of all relief administration employes in the respective county and all applications for positions in each such county. Such county committees shall pass upon the qualifications, and, by all means, the need for employment in the families of the employes and applicants, and the relief administration employment needs of each such county, and shall make proper recommendations to the Director.

The appointive members of each such county committee shall each receive five dollars per week for services rendered in connection with the activities of the committee, and the expenses of each such committee shall be paid from relief administrative funds; and, be it further

Resolved, That said Director be urged to require from all employes, including present and future administrative employes, visitors, and all other employes not on relief, a statement of facts, under oath, as to the income from every other source in the employe's family; this statement to be given with the application in the future and to be furnished to the said committee in each county by all present employes within fifteen days after appointment of said committees; and, be it further

Resolved, That the said Director be urged to immediately restore all salaries among relief board employes to the scale paid such employes on January 1st, 1935, and shall not increase such salaries except upon recommendation of the proper county board, the formation of which is hereinbefore provided; and, be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House and the Chief Clerk of the Senate, to the State Emergency Relief Board, and the Executive Dirctor thereof.

Referred to the Committee on Judiciary Special.

By Messrs. OMINSKY AND O'NEILL.

RESOLUTION NO. 146.

In the House of Representatives, May 13, 1935.

Whereas, Many small business enterprises are conducted in properties which are at the same time used as homesteads, on which under existing Federal laws the Home Owners' Loan Corporation is unable to grant loans; and

Whereas, Such small business enterprises are a necessity in the residential sections of large centers of population; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memorializes the President and the Congress of the United States to foster and enact legislation which will enable the Home Owners' Loan Corporation to grant loans on real property erected for the combined use of business as dwellings.

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the

Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this House.

Referred to the Committee on Banking.

By Mr. BERNHARD. RESOLUTION No. 147.

In the House of Representatives, May 13, 1935.

Whereas, The Switch Back Railway, running between the Boroughs of Mauch Chunk and Summit Hill in Carbon County, a distance of nine miles, is the oldest railway in the United States, having originally been constructed to carry coal from the Panther Valley Coal District to the Lehigh Canal; and

Whereas, With the construction of railroads, said gravity railway was abandoned as a coal-carrying road and was converted into a scenic railway, and thus operated for a great many years through the mountainous region known as the "Switzerland of America"; and

Whereas, Said railway was finally sold by the operating railroad company to private citizens who have endeavored to continue to operate the same as a scenic railway; and

Whereas, This historic property has fallen into disrepair, and, unless aided financially, must shortly be abandoned entirely; therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania, joining with municial bodies, societies, organizations and citizens, respectfully urge the Federal Public Works Administration and the Pennsylvania Public Works Administrator to include within its work relief projects in this State, the rehabilitation of the Switch Back Railway in Carbon County in order to preserve this historic property;

Resolved, That a copy of this resolution be transmitted to the Federal Public Works Administration and Pennsylvania Public Works Administrator by the Chief Clerk of the House.

Referred to the Committee on Railroads and Railways.

By Mr. CORDIER. RESOLUTION No. 148.

In the House of Representatives, May 13, 1935.

Whereas, Many public works projects were commenced under the Civil Works Administration, and the Public Works Administration, which, because of lack of funds remain incompleted: therefore be it

Resolved, That it is the sense of the House of Representatives, that in the adoption of the program of public works for the Commonwealth of Pennsylvania, the Public Works Administrator should consider and, where feasible, approve projects which will reult in the completion of unfinished C. W. A. and P. W. A. Projects.

Resolved, That the corporate authorities of the various municipalities be requested to bring to the attention of the Public Works Administrator all incompleted work projects in their communities particularly of a highway type, which in their present condition constitute a hazard to traffic.

Resolved, That a copy of this resolution be transmitted to the Public Works Administrator by the Chief Clerk of this House.

Referred to the Committee on Highways.

By Messrs. ROAN and MURRIN (Concurrent). RESOLUTION No. 149.

In the House of Representatives, May 13, 1935.

Whereas, The General Assembly of the Commonwealth of Pennsylvania, by concurrent resolution adopted by the House of Representatives on February 20, and agreed to by the Senate on March 5, petitioned the Congress of the United States to enact legislation providing for the immediate cash payment of adjusted compensation to veterans; and

Whereas, The Congress of he United States has, by an overwhelming vote, passed legislation so providing; and

Whereas, The bill is at present before the President of the United States for action; now, therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions His Excellency, the President of the United States, to approve such measure; and be it further

Resolved, That upon agreement by the Senate to this resoluion, the Chief Clerk of the Senate shall forthwith send to the President of the United States a telegram, the subject matter of which shall be in manner and form as follows:

"The General Assembly of he Commonwealth of Pennsylvania has this day by resolution memorialized your Excellency to approve the bill before you granting immediate cash payment of adjusted compensation to veterans;" and, be it further

Resolved, That a copy of this resolution, properly attested by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Chief Clerk of the House of Representatives to His Excellency, the President of the United States.

Referred to the Committee on Rules.

By Mr. HOOPES. RESOLUTION No. 150.

In the House of Representatives, May 13, 1935.

Whereas, Dissatisfaction with the administration of direct and work relief is widespread in the County of Berks, and

Whereas, Allegations are being made that the Berks County Emergency Relief Board and the United States Employment Bureau and other agencies dealing with relief are not using their powers consistent with the best interests of those in need, and

Whereas, Although misery is widespread it is charged that improper and incompetent personnel is being employed, that political activity is being indulged in and aid is being granted on a political basis, husbands and wives are both employed, or one employed when the other has employment elsewhere, that the members of the immediate family of public officials drawing salaries of several thousand dollars annually are given jobs, and that political friends of other politicians have been induced to give up private employment and accept jobs as foremen at substantially increased pay while equally qualified unemployed are forced to exist upon food vouchers.

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House whose duty it shall be to thoroughly and impartially investigate the Berks County Emergency Relief Board and the United States Employment Bureau in said county or any other governmental agency dealing with relief and the personnel thereof with a view of determining whether the allegations set forth in the preamble hereof are true and to make report thereof to the House of Representatives as early as possible, at this or the next Session of the Legislature.

Resolved, That the said committee shall have power o issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid board bureau or agency for such stenographic help or service as it may deem necessary under the circumstances in the taking of testimony and the conduct of hearings, etc.

Referred to the Committee on Judiciary Special.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

House Bill No. 851.

An Act to amend paragraphs one and two of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 681) entitled "An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs" altering qualification requirements for the award of such medals

HOUSE BILL No. 1826.

An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties to appropriate money for purpose of controlling and suppressing diseases to honeybees

HOUSE BILL No. 2324.

An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 22, 1935.

Resolved, (if the House of Representatives concur), That the Legislatures of the States of New York, New Jersey, Delaware, Maryland, West Virginia and Ohio be respectfully invited to arrange to have their respective Senate and House committees dealing with revenue legislation or sub-committees thereof, meet with the Finance Committee and Ways and Means Committee of the Senate and House of Representatives of Pennsylvania on May , 1935, for the purpose of discussing uniform revenue legislation to relieve the burden of taxation on real estate;

Resolved, That a copy of this resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of each of said states by the Chief Clerk of the Senate.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. The resolution is referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 900. (HOUSE BILL No. 2354).

An Act to amend section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties, cities of the third class, boroughs, townships, school districts of the second, third, and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" limiting existing indebtedness as covered by the section to bonded indebtedness.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1246. (HOUSE BILL No. 2855).

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto and imposing no municipal liability existing or created at the time of the original acquisition of such water-works by the issue of refunding bonds secured solely by liens and imposing no municipal liability.

Referred to the Committee on Boroughs and Townships.

SENATE BILL No. 1289. (HOUSE BILL No. 2856).

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

Referred to the Committee on Appropriations.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 3, 1935.

Resolved, (if the Senate concur), That Senate Bill No. 22, Printer's No. 403, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

be recalled from the Senate for the purpose of amendment.

Accordingly, the original bill is herewith returned.

RECONSIDERATION OF VOTE

Mr. HABBYSHAW. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. HABBYSHAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HABBYSHAW. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 34, page 38, line 2, by striking out the words "thereafter the registration commission shall cause all of the" and inserting in lieu thereof: "of the registration of any such elector for failure."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 775

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 8, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 775, Printer's No. 821, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. STOTT. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. OMINSKY, from the Committee on Judiciary General reported as amended, House Bill No. 2509, entitled:

An Act to amend section one of the act approved the twenty-first day of July, one thousand nine hundred and nineteen (Pamphlet Laws one thousand sixty-four) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties," as amended; by providing that each of said judges in counties of the second class may appoint a clerk, and providing for the compensation of said clerks.

Mr. FLANAGAN, from the Committee on Appropriations reported as committed, House Bill No. 2580, entitled:

An Act to further amend section one of the act approved the nineteenth day of August one thousand nine hundred thirty-two (Special Session Pamphlet Laws, page eighty-eight), entitled "An act creating the State Emergency Relief Board, consisting of the Governor, the Lieutenant Governor, the Auditor General, State Treasurer, and the Speaker of the House of Representatives; prescribing its powers and duties; empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed, in accordance with plans adopted by the board; and making an appropriation," by empowering the State Emergency Relief Board to utilize means and agencies which will facilitate the securing of cooperation and financial assistance from the Government of the United States.

Mr. WEISS, from the Committee on Judiciary General reported as committed, House Bill No. 1736, entitled:

An Act to amend sections eighteen and twenty-four of the act approved the fourth day of June, one thousand nine hundred and one (P. L. 404), entitled "An act relating to insolvency; embracing, among other matters, voluntary assignments for the benefit of creditors, and adverse proceedings in insolvency by creditors; forbidding, also certain preferences; providing for the distribution of the insolvent's estate, and in certain contingencies relieving him, and others liable with him, from further liability for his or their debts," shortening the time for the liquidation of the assets of an insolvent and the filing of an account by the assignee or receiver.

Mr. SHAW, from the Committee on Elections reported as committed, House Bill No. 2442, entitled:

An Act to amend section twenty-six of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties;" changing certain provisions relating to the transfer of registration by removal notices.

Mr. TRONZO, from the Committee on Judiciary General reported as committed, House Bill No. 1115, entitled:

An Act to limit the operation of the rule in Shelly's case, by providing that certain grants and devises in trust or otherwise shall be construed not to create estates in fee.

Mr. JOHN J. BAKER, from the Committee on Appropriations reported as amended, House Bill No. 2662, entitled:

An Act to prevent the lapsing or abatement of certain appropriations and changing the same against the revenues for the 1935-1937 fiscal biennium.

Mr. MASON, from the Committee on Judiciary General reported as committed, House Bill No. 2641, entitled:

An Act to provide for and regulate counsel fees to garnishees in attachment proceedings.

Mr. TAHL, from the Committee on Judiciary General reported as committed, House Bill No. 2416, entitled:

An Act to further amend section fifty-eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses of other buildings de-

vised; the abatement and survival of actions and the substitution of executors and administrators herein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and so generally dealing with the jurisdiction, powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," by repealing clause (c) and otherwise changing and revising said section.

Mr. SCHROCK, from the Committee on Appropriations reported as committed, House Bill No. 2681, entitled:

An Act making an appropriation out of the General Fund of the State Treasury for the purpose of reimbursing certain special funds of the State Treasury for moneys transferred from such special funds to the General Fund.

Mr. TURNER, from the Committee on Judiciary General reported as committed, House Bill No. 2519, entitled:

An Act making it unlawful for constables to wear certain types of uniforms.

Mr. WEISS, from the Committee on Elections reported as committed, House Bill No. 2429 (Senate Bill No. 67), entitled:

An Act requiring return courts judges and boards sitting to record compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation.

Mr. KOBELAK from the Committee on Elections reported as committed, House Bill No. 2430 (Senate Bill No. 73), entitled:

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the count and canvass of the vote and the sealing of the ballot box.

Mr. RUTH from the Committee on Rules reported as committed, House Resolution No. 149.

RESOLUTION NO. 149

Mr. RUTH asked and obtained unanimous consent for the immediate consideration of Resolution No. 149.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 13, 1935.

Whereas, The General Assembly of the Commonwealth of Pennsylvania, by concurrent resolution adopted by the House of Representatives on February 20, and agreed to by the Senate on March 5, petitioned the Congress of the United States to enact legislation providing for the immediate cash payment of adjusted compensation to veterans; and

Whereas, The Congress of the United States has, by an overwhelming vote, passed legislation so providing; and

Whereas, The bill is at present before the President of the United States for action; now, therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions His Excellency, the President of the United States, to approve such measure; and, be it further

Resolved, That upon agreement by the Senate this resolution, the Chief Clerk of the Senate shall forthwith send to the President of the United States a telegram, the subject matter of which shall be in manner and form as follows:

"The General Assembly of the Commonwealth of Pennsylvania has this day by resolution memorialized your Excellency to approve the bill before you granting immediate cash payment of adjusted compensation to veterans," and, be it further

Resolved, That a copy of this resolution, properly attested by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives to His Excellency, the President of the United States.

On the question,

Will the House adopt the resolution?

Mr. ANDREWS. Mr. Speaker, I intend to vote for this resolution, but I call the attention of the House to the fact that my attitude on this resolution is at variance with the attitude taken by one of the senators from this State who presumably represents the majority party and presumably represents the view of the majority members of this side of the House.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORT UNDER RESOLUTION NO. 44

Mr. O'KEEFE. Mr. Speaker, I present to the House the report of the Committee pursuant to Resolution No. 44.

The SPEAKER. The report will be noted in the Journal and printed in the appendix to the Legislative Journal.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. WITKIN. Mr. Speaker, I move that the Republican Steering Committee be granted permission to meet for ten or fifteen minutes, during the session of the House.

The motion was agreed to.

RECESS

The SPEAKER. If there are no objections the Chair will at this time declare a recess of fifteen minutes in order to permit the Republican Steering Committee to

meet, and also to permit a meeting of the Democratic delegation in the House Caucus Room. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The SPEAKER. The time of recess having expired the House will come to order.

ANNOUNCEMENT BY THE SPEAKER

The Chair wishes to make an announcement of extraordinary importance and interest to every member.

The Chief Clerk has arranged that the members' mileage from the beginning of the Session until April 1 be paid now, instead of on the final day of the Session at which time, under the law, the final installment of salary is payable. On the day of adjournment the remainder of the mileage, also, will be paid.

This action is a departure because the custom has been to pay the entire mileage on the last day of the Session. But on account of the length of the Session and the long interim between the April 1 salary check, which you have received, and the last day salary check, the Chief Clerk worked out and computed the mileage up and until April 1, which checks now are available at the office of the Chief Clerk. The check you receive now represents your mileage for twelve weeks of the Session.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 13, 1935.

Whereas, The General Assembly of the Commonwealth of Pennsylvania, by concurrent resolution adopted by the House of Representatives on February 20, and agreed to by the Senate on March 5, petitioned the Congress of the United States to enact legislation providing for the immediate cash payment of adjusted compensation to veterans; and

Whereas, The Congress of the United States has, by an overwhelming vote, passed legislation so providing; and

Whereas, The bill is at present before the President of the United States for action; now, therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions His Excellency, the President of the United States, to approve such measure; and, be it further

Resolved, That upon agreement by the Senate this resolution, the Chief Clerk of the Senate shall forthwith send to the President of the United States a telegram, the subject matter of which shall be in manner and form as follows:

"The General Assembly of the Commonwealth of Pennsylvania has this day by resolution memorialized your Excellency to approve the bill before you granting immediate cash payment of adjusted compensation to veterans," and, be it further

Resolved, That a copy of this resolution, properly attested by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Chief Clerk of the House of Representatives to His Excellency, the President of the United States.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1865

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 9, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1865, Printer's No. 611, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. McHENRY. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

Senate Bill No. 4.

An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for live stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs

Senate Bill No. 609.

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

Whereupon, The Speaker, in the presence of the House, signed the same.

USE OF HALL OF HOUSE GRANTED TO COMMITTEE ON MINES AND MINING

Mr. COLEMAN. Mr. Speaker, I move that the use of the Hall of the House be granted to the Committee on Mines and Mining at 2:30 o'clock today for a public hearing on House Bill No. 2474.

The motion was agreed to.

ANNOUNCEMENTS

COMMITTEE MEETINGS

There will be a public hearing before the Committee on Mines and Mining on House Bill 2474 in the Hall of the House at 2:30 P.M. today.

There will be a meeting of the Committee on Legislative Apportionment immediately after this session in the rear of the House.

The time of the meeting of the Committee on Highways arranged for 7:30 P. M. tonight has been changed to 7:30 P. M. tomorrow night in room 326.

The Committee on Banking will meet after this morning's session in room 323.

The Committee on Labor will meet one half hour after this session in room 325, today.

The Committee on Agriculture will meet at 5:00 P.M. in room 324, today.

There will be a public hearing on Senate Bill No. 666 this afternoon by the Committee on Judiciary Special in room 324 at 3:00 o'clock.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:00 P. M. Are there objections? The Chair hears none and declares a recess until 8:00 P. M.

AFTER RECESS

The House reconvened at 8:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

RESOLUTION INTRODUCED AND REFERRED

By Mr. SOWERS RESOLUTION No. 151.

In the House of Representatives, May 13, 1935.

REQUESTING THE SECRETARY OF REVENUE TO INFORM THE HOUSE WHAT AMOUNT WOULD BE REQUIRED TO FINANCE OLD AGE ASSISTANCE AT DIFFERENT AGES.

Whereas, Pennsylvania has established the system of Old Age Assistance with the minimum age fixed at seventy years, and

Whereas, Many people believe that the minimum age should be reduced from seventy years to sixty years, and

Whereas, Considerable discussion has arisen as to the amount of money needed to finance Old Age Pensions at sixty years and at other ages between sixty years and seventy years, and

Whereas, The Secretary of Revenue by reason of his position and the facilities at his command is best qualified to give the information,

Therefore be it resolved by the House of Representatives that the Secretary of the Department of Revenue be requested to furnish to the House of Representatives his estimate of the amount of money required to pay Old Age Assistance, assuming that the minimum age is sixty-seven years; and assuming that the minimum age is sixty-five years; and assuming that the minimum age is sixty-two years; and assuming that the minimum age is sixty years, for the ensuing bienium.

Referred to the Committee on Pensions and Gratuities.

REPORTS FROM COMMITTEES

Mr. HOOPES from the Committee on Labor reported as amended, House Bill No. 2253, entitled:

An Act requiring the Commonwealth, political subdivisions, persons, firms and corporations to stipulate, in specifications upon which contracts for the construction, alteration or repairs of any work or improvement are entered into, the minimum wages to be paid to laborers and mechanics; and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties; and prescribing penalties.

Mr. FORREST from the Committee on Banking reported as committed, House Bill No. 2440, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons, affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of certain private banks.

Mr. WEISS from the Committee on Ways and Means reported as committed, House Bill No. 237, entitled:

An Act to provide unemployment relief in the present emergency; provide for funds for old age assistance, providing for and legalizing lotteries to raise approximately one hundred million dollars, ($100,000,000), for such purpose, creating a committee to conduct such lotteries, conferring powers and imposing duties on certain State officers, departments and agencies, making an appropriation to the Department of Welfare for the old age assistance, and prescribing the powers and duties of the board with reference thereto.

Mr. SOWERS from the Committee on Ways and Means reported as committed, House Bill No. 2853, entitled:

An Act imposing a state tax upon checks, drafts, assignments and other written evidences for the payment and transfer of money honored by banks, by payment or by receipt for deposit imposing duties and liabilities on banks, bank and trust companies, trust companies, private banks, savings funds, savings institutions, savings banks and national banking associations, conferring powers and imposing duties on certain State officers and departments, making an appropriation and imposing penalties

Mr. SHORTZ from the Committee on Legislative Apportionment reported as committed, House Bill No. 452, entitled:

An Act to amend part of section one of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 455), entitled "An act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution," by changing such districts in Lancaster County.

Mr. PIOLE from the Committee on Labor, re-reported as committed, House Bill No. 2680, entitled:

A Supplement to the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six), entitled "An act defining the

liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," providing for the inclusion of occupational diseases within the scope thereof; and providing definitions, provisions and procedure related to such diseases.

RESOLUTION

CONGRATULATIONS EXTENDED TO HON. JOHN J. FINNERTY

Mr. OMINSKY offered a resolution which was twice read, considered and adopted as follows:

House of Representatives, May 14, 1935.

Whereas, The voters of the Eighteenth Legislative District of Philadelphia County have, for the first time in many years elected a true Democrat to this House, and have elected him by one of the largest votes ever given in Pennsylvania to a candidate for that office, and

Whereas, We, the Members of the House of Representatives have come to know and love that Democrat, The Honorable John J. Finnerty, and to admire his industry, ability, and integrity, and

Whereas, Today he has reached an age of over twenty-one; therefore be it

Resolved, That the House of Representatives (and this includes Republican Members) extends congratulations to the Honorable John J. Finnerty, and that the Clerk hand to him a copy of this resolution.

STATEMENT BY MR. HERMANSEN

Mr. HERMANSEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I rise at this time in answer to approximately five thousand letters that I have received today. These were all opened, and here is another pack of them. Here is a basketful of them, unopened ones. These letters are in the form of a petition to the House to do something to remedy a condition that exists in the anthracite region at the present time that is bordering on civil war. If you have read the papers today you will notice that there were five men shot this morning. That is not all of the story. This has been going on for sometime now, and the business men in those communities up there have become practically ruined. Turmoil exists everywhere throughout the district, and it seems that there is nothing at the present time but intervention from the state. Now, the people throughout that territory are looking forward to the House of Representatives and the Senate to do something that will alleviate that condition. It is a condition that has confronted us through labor trouble, through dissatisfaction within the organization, and it is a condition that will not rectify itself.

Because of that condition I have been asked to introduce a resolution, and I introduce that resolution at this time and ask that it may be read for the information of the House.

RESOLUTION

COMMITTEE TO INVESTIGATE LABOR DIFFICULTIES IN LUZERNE AND LACKAWANNA COUNTIES

Mr. HERMANSEN offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 14, 1935.

Whereas, For a period of at least two years, labor difficulties have been experienced in Luzerne and Lackawanna Counties, resulting in the loss of life, destruction of property and rioting; and

Whereas, Business in this region is suffering great loss and unemployment is aggravated; and

Whereas, Those familiar with conditions believe that the only solution to the problem is a thorough investigation of this strife and the ascertainment of the causes thereof; therefore be it

Resolved, (if the Senate concur), That the President Pro Tempore of the Senate shall appoint two members of the Senate, and the Speaker of the House shall appoint three members of the House of Representativees, who together shall constitute a joint legislative committee whose duty it shall be to make a thorough, impartial and searching investigation of the industrial strife now existing in Luzerne and Lackawanna Counties and the cause of the same, and of such other matters in connection therewith as may be deemed necessary for the information of the committee and the General Assembly;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commending any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such cases;

Resolved, That the said committee shall make report to the Governor and to the General Assembly of its findings of facts, with such recommendations as it deems necessary to remedy industrial conditions in the area referred to in this resolution.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. YOURISHIN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk under the rules.

MOTION TO SUSPEND RULE

Mr. HERMANSEN. Mr. peaker, I move that Rule 84 be suspended for the specific purpose of considering the resolution offered by me.

On the question,

Will the House agree to the motion?

Mr. YOURISHIN. Mr. Speaker, I oppose the motion to suspend the rule for immediate consideration. I agree that the resolution is very important and the resolution should be referred for study and going into, as to whether or not it is proper for this House to investigate the matter stated in the resolution. I ask the members of the House to vote against the motion.

On the question recurring.

Will the House agree to the motion?

The yeas and nays were required by Mr. HERMANSEN and Mr. WHITE.

Mr. HERMANSEN. Mr. Speaker, I ask for a verification of the roll.

(During the verification of the roll.)

Mr. HERMANSEN. Mr. Speaker. I would like to know

If the gentleman from Philadelphia, Mr. Shepard, is recorded as voting in the negative.

The SPEAKER. The gentleman from Philadelphia, Mr. Shepard, is not recorded as voting.

Mr. HERMANSEN. Mr. Speaker, I ask that the gentleman from Philadelphia, Mr. Shepard, be recorded, he being in his seat and he properly should vote one way or another.

Mr. BLUMBERG. Mr. Speaker, I object to the request to the gentleman from Luzerne, requesting the gentleman from Philadelphia to be recorded.

The SPEAKER. The affirmative roll has been verified.

YEAS—71

Altenburg,	Hamilton, R. S.,	Perry,	Stewart,
Baine,	Hart,	Peters,	Stockham,
Baker, F. T.,	Hefferon,	Phillips,	Surface,
Blumberg,	Hermansen,	Reynolds,	Tahl,
Boose,	Hoffner,	Rhys,	Trout,
Boyd, R.,	Hoopes,	Roan,	Turner,
Boyer,	Horst,	Root,	Wall,
Castor,	Jackson,	Schrock,	Wasserman,
Condon,	Jones,	Schwartz,	Weidemann,
Cordier,	Kane,	Shortz,	White,
Davies,	Kelder,	Simpson,	Wickersham,
Denning,	Kinney,	Sloan,	Winner,
Duffort,	Male,	Snyder, F. E.,	Witkin,
Ferko,	Mason,	Snyder, J. L.,	Wood,
Forrest,	McCreary,	Sowers,	Woodside,
Gillette,	Moore,	Spangler,	Yeakel,
Green,	Muir,	Sproul,	Zimmerman,
Habbyshaw,	Parks,	Stevens,	

NAYS—93

Achterman,	Diehl,	McDermott,	Ruth,
Alexander,	Dilley,	McDevitt,	Scanlon,
Allen,	Downey, G. E.,	McElroy,	Schrope,
Arnold,	Downey, J. J.,	McKinney,	Schwab,
Atkins,	Falkenstein,	Mentzer,	Shaw,
Aukerman,	Finnerty,	Moomaw,	Shugarts,
Baker, J J.,	Fitch,	Mooney,	Siegel,
Barber,	Furman,	Moran,	Simon,
Bradley,	Gates,	Munley,	Sinwell,
Brown, H. S.,	Haberlen,	Murrin,	Smith, J. A.,
Brown, J. E.,	Hagerty,	O'Keefe,	Stank,
Brownfield,	Hamilton, F. P.,	Ominsky,	Sumney,
Brumbaugh,	Harkins,	O'Neill,	Tronzo,
Burke,	Harmuth,	Panton,	Tumelty,
Cannon,	Hetrick,	Patterson, C.,	Van Sickle,
Caputo,	Hirsch,	Patterson, J. W.,	Walker,
Carr,	Holstrom,	Pearson,	Weiss,
Carson,	Kelso,	Pfaff,	Welliver,
Coakley,	Kilroy,	Ptole,	Welsh,
Cochran,	Klingler,	Powers,	Westrick,
Cohen,	Long,	Reising,	Yourishin,
Coleman,	Lovett,	Rinn,	Zappala,
Coolahan,	Lynch,	Ruffennach,	Sarig,
Decker,			

So the question was determined in the negative and the motion was not agreed to.

RESOLUTION NO. 142.

Mr. KOBELAK. Mr. Speaker, I desire to call up at this time Resolution No. 142, Printer's No. 1023.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, May 8, 1935.

Whereas, the Bell Telephone Company of the State of Pennsylvania practically monopolizes the telephone industry in this Commonwealth, and

Whereas, said Telephone Company collects a twenty-five cent service charge for the first two years' use of French Telephones, therefore, be it

Resolved, (the Senate concurring), that the General Assembly requests the Public Service Commission of this Commonwealth to urge the Bell Telephone Company to discontinue any further service charge in the amount of twenty-five cents per month, or any other sum, for the use of French, or any other specially designed telephone.

Ordered, That the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. MORAN

Mr. MORAN asked and obtained consent to make the following statement:

Mr. Speaker and members of the House, the Pittsburgh Sun-Telegraph today has a statement in it, and as I believe some of our members of the House may think that there is a name used there that they might be construe as being one of the members of this House, and as this particular member is a colleague of mine and is right from the same district as I am, I think that I ought to make this statement or read this statement in the paper.

The heading of the article in the paper is as follows:

"Four Men Fined In Numbers Raid."

"Four men, arrested in raids in Hill district confectionery stores yesterday and charged with writing numbers, were fined in Center Avenue Police Court today.

"Sam Weiss of Wylie Avenue and James Brodnax, of Center Avenue, alleged proprietors of confectionery stores, were fined $10 or 10 days. Boyce Sullivan, owner of a Webster Avenue confectionery, and Charles Johnson of Center Avenue, were fined $25 or 30 days."

Now, Mr. Speaker, I can vouch that Sam Weiss was in the House yesterday and, therefore, this cannot be he.

STATEMENT BY MR. HALUSKA

Mr. HALUSKA asked and obtained consent to make the following statement:

Mr. Speaker and members of the House, the baseball game to be played tomorrow, as you all know, has been cancelled until a week from tomorrow at three o'clock standard time, but I wish to announce the program at this time:

Elwood Turner and Joe Simon will run a foot-race promptly at three o'clock. We have also arranged a hog-calling contest between Rev. Ruth and Rev. Shepard.

The Democratic line-up is as follows: Tronzo, Harmuth, Ominsky, Decker, Haberlen, Diehl, Cliff Patterson, Coakley, Brownfield, Holland, Falkenstein, and Tumelty. Leo Fee is the mascot: Cochran is the score keeper. James Murtha and Tom McGrail will be the umpires.

I want to inform all the members to bring their own uniforms and all of their tools. I understand that Connie Mack is going to give the balls, and I would ask the members to bring their bats and uniforms.

I wish to state that the cigar stand in the back of the House has made a very generous proposition. They have offered to supply Coca Cola free at the ball game.

I also wish to say that I have appointed Hiram J. Andrews of Cambria County as publicity man, also Mr. Chervenak and Mr. Westrick as official rooters.

Mr. Speaker, at this time I wish to interrogate the gentleman from Carbon, Mr. Bernhard, the manager of the Republican baseball team.

The SPEAKER. Will the gentleman from Carbon permit himself to be interrogated?

Mr. BERNHARD. I will, Mr. Speaker.

Mr. SPEAKER. I desire to ask the gentleman from Carbon, in view of the fact that our pitching staff is somewhat weak at this time may I have permission to use a ringer for the base ball game next Thursday?

Mr. BERNHARD. Mr. Speaker, why does not the gentleman from Cambria let me know the name of the ringer and I might then give the question consideration.

Mr. HALUSKA. Mr. Speaker, the ringer is none other than our own Jack Breslin.

Mr. BERNHARD. Mr. Speaker, may I ask the gentleman who is this Jack Breslin?

Mr. HALUSKA. Mr. Speaker, he is the pitcher.

Mr. BERNHARD. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. Haluska.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. HALUSKA. Mr. Speaker, I will.

Mr. BERNHARD. Mr. Speaker, in view of the absence of the captain of the team I would like to state that if the gentleman from Cambria wants to have a game between the present administration, I believe that Mr. Breslin is a member of that organization, I would suggest that they challenge the former administration to a baseball game because I understand that former Governor Pinchot is back from the South Sea Islands in a bronzed condition, and you probably might be able to get a game with his administration.

Mr. HALUSKA. Mr. Speaker, that is a very good suggestion.

STATEMENT BY MR. FURMAN

Mr. Furman asked and received unanimous consent to make the following statement:

Mr. Speaker and members of the House, House Bill No. 2184, which is known as the rural state highway law, has been in process of drafting for two or three weeks. The time is getting short and the Highway Department has asked that the representatives from each county contact with Mr. Van Riper in room 311, in regard to the section of the road that they wish taken over. I have a list of the counties here that they wish the representatives from those counties to come into the office before they leave Harrisburg this week. I will read this list: Adams, Allegheny, Armstrong, Bradford, Bucks, Chester, Dauphin, Elk, Forrest, Franklin, Fulton, Indiana, Lackawanna, Juniata, Lehigh, Luzerne, McKean, Montgomery, Montour, Northampton, Northumberland, Perry, Potter, Schuylkill, Sullivan, Susquehanna, Westmoreland and Wyoming.

I would urge the numbers of these counties to see Mr. Van Riper in room 311 in regard to the sections of the road that they wish to have placed on this list.

QUESTION OF PERSONAL PRIVILEGE

Mr. SPROUL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Delaware will state his question of personal privilege.

Mr. SPROUL. Mr. Speaker, on May 1, in the record of consideration of House Bill 1886, I am recorded as voting "aye," whereas I should be recorded as voting "no." It is my conviction that the provisions of this bill should be left to the judgment of the district attorney.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2318, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorder of deeds, and certain State Departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further defining the rights, powers, duties, liabilities, and immunities of building and loan associations, and of their officers, directors, shareholders, solicitors, and other and other employes, and further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger, consolidation or conversion.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2709, entitled:

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended; by removing limitation on minimum term.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2498, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 174, entitled:

A Joint Resolution proposing an amendment to article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania and adding section sixteen to said article

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2499, entitled:

An Act requiring the licensing of portable grinding mills by the respective counties fixing fees therefor and prescribing penalties

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2043, entitled:

An Act to amend subsection (v) of section one of article two, and section nine of article five of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liablites; prescribing, defining and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad, corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporations concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act." by requiring telephone corporations and persons engaged in the telephone business to make connections and arrangements to permit telephone conversations between subscribers to the service of certain other such corporations and persons, and to operate and conduct a joint through traffic over the lines so connected, and giving the commission jurisdiction over such service and over the rules, regulations, rates, charges, costs and revenues pertaining thereto.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2220, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund." providing penalties; and repealing existing laws," by prescribing uniform policy provisions for industrial life insurance as herein defined.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2315, as follows:

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the breeding selling possessing and using of fitches or weasels for hunting purposes providing for the licensure of persons breeding selling possessing and using fitches or weasels and imposing additional penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that sections four hundred and two and four hundred and four of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred fifty-two) are hereby further amended to read as follows

Section 402 Board Empowered to Grant Licenses Under the conditions and limitations hereinafter prescribed the board may grant licenses at their discretion which licenses shall expire on May thirty-first of each year and which may be revoked or suspended at any time at the discretion of the board Such licenses shall not be transferable Such licenses may be issued (a) to any person within this Commonwealth of known scientific attainment in ornithology or mammalogy (b) to any agent of any public museum in this Commonwealth (c) to a teacher

or ornithology in any school within this Commonwealth (d) to any person within the Commonwealth desiring to breed or raise game in captivity and to sell the same (e) to any person desiring to possess breed or sell ferrets or to possess breed or sell the European member of the ferret family known as the fitch and weasel (f) to any person desiring to practice taxidermy who shall have served a regular apprenticeship for three years in a museum of recognized standing or in the establishment of a qualified and licensed taxidermist and to any person holding a license which expires on the thirty-first day of May one thousand nine hundred and thirty-one who shall apply for a renewal license within ninety days after such date (g) to fur dealers or persons purchasing or receiving raw furs for commercial purposes and (h) to any person within the Commonwealth desiring to raise animals classed as fur bearing animals for commercial purposes

No person so long as he is legally acting under the authority of a license issued by the board shall be liable to any of the penalties provided for in this act

Section 404 Applications for Licenses Any person firm association or corporation desiring a license as provided for in this article shall present a petition therefor on forms supplied by the board and shall pay to the secretary one dollar except in the following cases Breeders and dealers in ferrets or fitches or weasel shall pay to the secretary twenty-five dollars taxidermists desiring to practice taxidermy for profit shall pay to the secretary twenty-five dollars fur buyers who resell furs within this Commonwealth to licensed dealers of this Commonwealth shall pay five dollars fur dealers of this Commonwealth purchasing or receiving raw furs for commercial purposes shall pay ten dollars and nonresident fur dealers purchasing or receiving furs for commercial purposes in this Commonwealth shall pay fifty dollars All such license fees shall be paid into the State Treasury through the Department of Revenue for the use of the Game Fund The petition shall be accompanied by the written statement of at least two well known citizens of the community in which the applicant resides certifying to his good character and to his fitness to be intrusted with the authorty granted by such special license

In the case of applications for licenses by firms associations or corporations the petitions shall bear the name of the president or general manager and the license shall be issued in his name All petitions for propagating licenses shall be accompanied by the written description of the premises to be used for such purposes with the location thereof

Section 2 That sections four hundred and nine and four hundred and twelve of said act are hereby amended to read as follows

Section 409 Possession Breeding and Selling of Ferrets or Fitches or Weasel It is unlawful for any person to breed or to sell ferrets or fitches or weasels or to offer to sell ferrets or fitches or weasels either for himself or as the agent of another or to have any ferret or fitch or weasel in his possession except by virtue of a license issued by the board It is unlawful for any breeder or dealer in ferrets or fitches or weasels to sell or for any common carrier or the agent of any common carrier to deliver any ferret or fitch or weasel to any person within this Commonwealth unless the person to whom such ferret or fitch is to be sold or delivered shall possess a proper license to have such animal in possession Proof to the satisfaction of the person selling or delivering any ferret or fitch or weasel or the possession of any such license must be required by the production of the license or by inquiry made to the board and a record shall be made of all sales by dealers showing the name address ferret or fitch or weasel license number and date of such license before the sale is consummated

Section 412 Penalties Any person violating any of the provisions of this article shall be sentenced to pay the following fines and costs of prosecution for each offense

(a) For the sale or exchange or shipment or removal out of this Commonwealth of birds or nests or eggs or the taking of birds or eggs or nests contrary to the provisions of this article by agents of museums or teachers of ornithology or persons of scientific attainment in ornithology or mammalogy acting under the authority of any license twenty dollars

(b) For the practice of taxidermy for profit without a license as provided in this article twenty-five dollars and in addition thereto twenty-five dollars for each specimen of a bird or animal protected by this act mounted or in possession for mounting

(c) For the sale or shipment from or removal from or the permitting of the removal from the Commonwealth by the holder of any taxidermy license of each mounted specimen of a bird or animal protected by this act without the written consent or permit required by this act twenty-five dollars

(d) For the breeding or raising of game in captivity without a propagating license contrary to the provisions of this article twenty-five dollars for each bird or animal so bred or raised

(e) For neglecting to return to the board the part of the tag not attached to the container or bird or animal with the information thereon required or for the killing or selling or giving away or removing or shipping of game bred or raised or eggs produced by the holder of any propagatting license or his agent or employe contrary to the provisions of this article fifty dollars

(f) For neglecting to remove and to return to the board as provided in this article the tag attached to any container or to any bird or animal ten dollars

(g) For wilfully or wantonly removing or mutilating or destroying a tag attached to a container or bird or animal contrary to the provisions of this article fifty dollars

(h) For wilfully using any tag for the carrying or removing or shipping of game or the eggs of game birds taken or killed outside of premises for propagating game under authority of license or for the purpose of a second shipment of game from any such premises contrary to the provisions of this article fifty dollars

(i) For the breeding or selling or offering for sale or having in possession or delivering any ferret or fitch or weasel contrary to the provisions of this article twenty-five dollars for each ferret or fitch or weasel

(j) For purchasing or receiving or reselling raw furs for commercial purposes without a license as provided in this article twenty-five dollars

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Section 3 That section five hundred and twelve of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred fifty-two) is hereby further amended to read as follows

Section 512 Penalties Any person violating any of the provisions of this article shall be sentenced to pay the following fines and costs of prosecution for each offense

For taking killing wounding or transporting from one locality to another within this State or for attempting to take kill or wound contrary to this article or any rules and regulations relative to the taking of game or fur-bearing animals adopted by the board

(a) Each elk two hundred dollars and in the discretion of the court six months' imprisonment

(b) Each deer one hundred dollars

(c) Each bear fifty dollars

(d) Each wild turkey ruffed grouse ring-neck pheasant quail partridge or woodcock twenty-five dollars

(e) Each other bird or animal ten dollars

For violating any of the provisions of this article not above specifically provided for or for violating any of the rules and regulations of the board adopted under the provisions of this article twenty-five dollars and costs of prosecution for each offense

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution

he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Section 4 That section seven hundred and four of said act as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred fifty-five) is hereby further amended to read as follows

Section 704 Unlawful Methods of Hunting

(a) Unlawful Methods and Devices

It is unlawful for any person to shoot at or to shoot for game unless the same is plainly visible to him or to dig out or smoke live game out of its den or place of refuge

It is unlawful to hunt for or catch or take or kill or wound or attempt to catch or take or kill or wound game of any kind through the use of what is commonly known as an automatic gun or an automatic firearm of any kind or a swivel gun or an air-rifle or the apparatus known as a silencer or from an automobile or vehicle or boat or craft of any kind propelled by any mechanical power or to set lay or prepare for use or to use any trap snare net birdline deerlick pitfall turkey blind turkey call or turkey pen or to make use of or to take advantage of any artificial light battery or other contrivance or device or to make use of any method or device not specifically permitted by this act for the purpose of catching or taking or wounding or killing game

It is unlawful to hunt for or catch or take or kill or wound or attempt to catch or take or kill or wound raccoons except in the manner provided in the preceding section

(b) Unlawful Manner of Hunting Elk Deer or Bear

It is unlawful to kill or attempt to kill any elk or deer or bear except through the use of a gun propelling one all-lead or lead alloy or soft-nosed or expanding bullet or ball at a single discharge or through the use of a bow and arrow or to take an elk in any manner except through the method known as still hunting

(c) Unlawful to Kill Elk or Deer in Water

It is unlawful for any person at any time to shoot at or kill or wound or capture or attempt to kill or wound or capture either an elk or a deer while taking refuge in or swimming through the waters of any of the streams ponds or lakes

(d) Use of Dogs in Hunting Deer Elk Wild Turkey

It is unlawful for any person to make use of a dog in hunting elk or deer or wild turkey and every person who takes a dog into the woods or who has possession or control of a dog in the woods and every person in a camp which has a dog in their possession or control or in which a dog is harbored shall be liable to the fines prescribed in this article for the unlawful chasing taking or killing of elk or deer or wild turkey as the case may be if such dog within a radius of ten miles from said camp or from any point where such dog has been accompanied by such person or person runs after pursues or follows upon the track of any elk or deer for a distance of one-half mile or does pursue or scatter wild turkeys

(e) Hunting with Ferrets or Fitches or Weasels

Except as otherwise provided in this act it is unlawful for any person to hunt for or catch or kill or cause or permit the hunting of hares or rabbits with or through the use of a ferret or a fitch or a weasel The fact that any person shall place a ferret or a fitch or a weasel in any hole or opening outside of buildings in which a rabbit might be found or shall be caught in the act of using a ferret or a fitch or a weasel in taking hares or rabbits or shall have a ferret or a fitch or a weasel in possession or under control in either the fields or forests or any vehicle upon the highways or on railroad or railway cars shall render such person liable to the penalty prescribed in this article Any ferret or fitch or weasel found running at large or found in the possession or under the control of a person not possessed of a ferret or a fitch or a weasel license or of a person convicted of violating any provision of this act shall be forfeited to the Commonwealth and shall be immediately killed by the officer or citizen into whose hands such animal may come

(f) Unlawful Crafts and Vehicles

It is unlawful to hunt for or pursue or to follow after with intent to kill game of any kind from or with or through the use of any boat or craft propelled by any means other than oars or pole or handpaddle Any person using a craft or boat for such purposes contrary to this section or the captain or owner or other person in charge of such boat or craft who shall allow or knowingly permit the same to be used contrary to this section shall be liable to the fines provided for in this article

It shall be unlawful to hunt for or pursue or to follow game of any kind with any vehicle or to use any vehicle or its lights or equipment for the killing wounding or catching of game of any kind or to use any vehicle for the transportation of game illegally killed

(g) Hunting with Decoys

It is unlawful for any person or for any number of persons acting together to place in any of the waters of this Commonwealth for the purpose of attracting wild waterfowl more than thirty-six specimens of artificially prepared wooden ducks or ducks of any character commonly used as decoys or to shoot over or attempt to control more than thirty-six such decoys so placed as to cover not exceeding one-fourth of a mile upon any stream or lake

It is unlawful for any person or for any number of persons acting together to use decoys unless each specimen is marked with a metallic plate or tag giving in plain English the name and address of the owner or owners or to have such decoys in the water more than thirty-six hours without removing them for at least twelve hours before replacing in the water

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1900, as follows:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages .

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases arising from the taking injury or destruction of private property under the right of eminent domain where the owner or owners of the fee and any lessee or lessees under such owner or owners shall be claimants for damages all such claims shall be heard or tried together and there shall be awards by a board of view or verdicts by the jury on appeals which shall fix first the total amount of damages arising out of the taking injury or destruction in question and second the apportionment distribution or division of the total damages so awarded between or among the several claimants therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2370, as follows:

An Act fixing the liability for the expense of care and treatment of patients in tuberculosis sanatoriums maintained by the Commonwealth and providing for the collection of the moneys due the Commonwealth therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person is maintained as a patient in any sanatorium or colony maintained by the Commonwealth for the treatment of persons affected with tuberculosis in whole or in part at the expense of the Commonwealth the property or estate of such person and of the husband wife father mother child or children of such person shall be liable for such care and treatment to be paid or recovered in the same fashion as other claims of the Commonwealth Whenever either of the owners of any property held by entireties is liable as a patient to the Commonwealth for the expense of care and treatment at a State sanatorium and the separate property of such person shall not be sufficient to reimburse the Commonwealth such property held by entireties shall be liable for the same

Section 2 The statement of the Department of Revenue issued under its seal on behalf of the State sanatorium shall be received as prima facie evidence in any court of this Commonwealth of the amount expended by the Commonwealth for the care and treatment of any such person in any proceeding brought to recover the amount of such care and treatment

Section 3 All claims by the Commonwealth for care and treatment as herein provided in the distribution of any of the estate of anyone liable under the provisions of this act shall be paid after other claims which by law are now given precedence and before any claims of general creditors

Section 4 All claims of the Commonwealth for the expense of care and treatment of any person in a State sanatorium shall constitute a lien against the real property of any person liable therefor upon the filing by the Department of Revenue of such lien in the prothonotary's office of the county where such property is located

Section 5 When neither the patient nor the husband wife father mother or child of such patient is of sufficient financial abilty to defray the expense of the care and treatment of the patient as determined by investigation by the Department of Revenue the poor authorities or directors or overseers of the poor of the county or poor district from which he came shall be chargeable with one-half of the expense of the care and treatment of the patient The remaining one-half of the expense of the care and treatment of such person shall be paid by the Commonwealth Provided That where a portion of the expense of care and treatment is collected during any billing period from the patient or any other person or persons then one-half of the amount so collected during such billing period shall be credited to the county or poor district liable for the care and treatment of such person If the Department of Revenue shall subsquently collect or receive from the patient or any other person or persons all or part of the expense of care and treatment of such patient for which the county or poor district was billed and which it has paid then the department shall extend to such county or poor district in the next periodical billing a proper credit whether or not in such billing there be any charge for the expense or care and treatment of the particular patient The amount of such credit shall be one-half of such amount subsequently collected

Section 6 The provisions of this act are severable and in the event of any provision hereof being declared unconstitutional it is hereby declared as the legslative intent that such unconstitutional provision should not affect the validity of this act

Section 7 All acts and parts of acts inconsistent with this act are hereby repealed

Section 8 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2544, as follows:

An Act to amend the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred sixty-two) as amended entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" by authorizing the State Workmen's Insurance Board to pay dividends in such proportion as it may determine by giving the said board the right to reject any risk and by authorizing the State Fund to write any form of workmen's compensation or employers' liability insurance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections three eleven and fourteen of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred sixty-two) as amended entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" are hereby amended or further amended as the case may be to read as follows

Section 3 Certain sums to be paid by employers as hereinafter provided are hereby constituted a Fund to be known as The State Workmen's Insurance Fund for the purpose of insuring such employers against liability under article three of the Workmen's Compensation Act of 1915 and of assuring the payment of the compensation therein provided and of insuring against loss or damage resulting from accident to or injury fatal or non-fatal suffered by an employe or other person for which the person insured is liable Such Fund shall be administered by the Board without liability on the part of the State except as hereinafter provided beyond the amount hereof and shall be applied to the payment of such compensation

Section 11 The money paid in premiums by subscribers is hereby made available for the expenses of administering the fund including the purchase through the Department of Property and Supplies of surety bonds for such officers or employes of the board as may be required to furnish them supplies materials motor vehicles workmen's compensation insurance covering the officers and employes of the board and liability insurance covering vehicles purchased out of moneys of said fund and operated by the officers and employes of the board In the event that the use of motor vehicles is required only temporarily then such moneys in the fund are available for the payment to the Department of Property and Supplies for the use of such motor vehicles on a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine

The moneys in the fund shall also be available for payment to the Insurance Department of the cost incurred by that department in examining and auditing the State Workmen's Insurance Fund at such amounts as the Insurance Department shall determine for payment to the Treasury Department of the cost of making disbursements out of the State Workmen's Insurance Fund on behalf of the State Workmen's Insurance Board at such amounts as the Treasury Department with the approval of the Executive Board shall determine for payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and

other services utilized and consumed by the State Workmen's Insurance Board at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

The board shall keep an accurate account of the money paid in premiums by the subscribers and the disbursements on account of injuries to the employes thereof and on account of administering the fund and if at the expiration of any year there shall be a balance remaining after deducting such disbursements the unearned premiums on undetermined risks and the percentage of premiums paid or payable to create or maintain the surplus provided in section nine of this act and after setting aside an adequate reserve so much of the balance as the board may determine to be safety distributable shall be distributed among the subscribers in [proportion to the premiums paid by them] such proportion as shall be established by the rules and regulations of the board and the board is hereby specifically authorized to pay within its discretion dividends on the basis of the loss experience of individual risks and the proportionate share of such subscribers as shall remain subscribers to the fund shall be credited to the instalment of premiums next due by them and the proportionate share of such subscribers as shall have ceased to be subscribers in the fund shall be refunded to them out of the fund in the manner hereinafter provided

Section 14 The said Board shall have the power to reinsure any risk which they may deem necessary and the said board is specifically authorized to reject any risk in the same manner and to the safe effect as any other insurance company is now authorized by law to reject

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2126, as follows:

A Supplement to an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars' approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by requiring open bidding on certain contracts of public service companies having the power of eminent domain

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definitions (a) A public service company shall mean a public service company as defined in the act to which this is a supplement and one having the power of eminent domain

(b) Contracts shall mean any agreement whereby a public service company shall become liable to pay for supplies equipment repairs additions alterations capital expenditures or improvements or investments in an amount of not less than five thousand dollars ($5,000)

(c) The term formal contract shall mean an agreement reduced to writing in one instrument signed by all the contracting parties at the end thereof Provided that drawings specifications conditions and other relevant papers may be incorporated in the contract by appropriate reference

(d) The term "advertisement" means inviting competitive bids by notice in printed publications or posted in public places by circular letter or otherwise

(e) The term "contractor" shall mean any person partnership company or corporation party to a contract with a public service company

Section 2 Public Service Companies Must Comply With Act On and after the effective date of this act no public service company shall enter into any contract except in accordance with the provisions of this act

Section 3 Advertising Requirements All contracts shall be formal contracts and shall be made after advertising for bids on the basis of specifications stating the need of such public service company in such terms as to permit of full and free competition by all qualified bidders a sufficient time previously and not less than ten days set for the opening thereof except

(a) The exigency will not admit of the delay incident to advertisement or

(b) That the subject matter of such bid is not adaptable to competitive bidding which fact shall be certified to in writing by the head or chief officer or executive of the public service company to the Public Service Commission which shall determine if there is a necessity for any such exception

Section 4 Executive Written Authority Necessary No advertisement for bids shall be published in any printed publication except upon the written authority of a duly

authorized executive officer of such public service company

Section 5 Award of the Contract All bids shall be publicly opened at the time and place stated in the advertisement and award made with reasonable promptness after the lapse of five days unless an emergency will not permit of such delay by written notice to the lowest responsible bidder whose bid conforms to the specifications The term "lowest responsible bidder" as used in this section shall mean in the case of construction work only those bidders who have shown before bids are opened that they are possessed of financial resources equipment and comparable experience in the same or similar classes of work as reasonably to justify the conclusion that they are qualified to perform a prompt and workmanlike manner of construction described in the specifications and in the case of supplies the term shall mean only those bidders who have shown before bids are opened that they are manufacturers or regular dealers in the supplies described in the advertised specifications All subsidiary companies and companies made up of interlocking directorates of public service companies shall meet the same requirements as all other bidders and not to be given any preference

Section 6 Form of Contract and Filing Public Record All contracts shall be formal A certified copy of such contracts together with the offer or request for bids the bid advertisement and acceptance and all written or printed matter necessary or relevant or required by this act shall be lodged with the Secretary of the Public Service Commission within fifteen days from the award of such contract and such copy shall be treated and deemed for all purposes a public record and open for inspection of interested parties

Section 7 Penalty for Noncompliance The failure of any party to a contract subject to the provisions of this act to comply with the requirements of this act shall render the contract void and no suit may be brought by any party to such contract to enforce any of its terms or damages for breach thereof

Section 8 Constitutional Construction This entire act and sections hereof shall be deemed severable so that if any section or any part thereof shall be declared invalid such invalidity shall in no wise impair the enforceability or validity of any other part of this act

Section 9 Effective Date This act shall become effective thirty days after its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2673, as follows:

A Supplement to an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (P. L. 1374), entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating an destablishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks of other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the trms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunction mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properl man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled ' An act to enforce the provisions of the seventeenth articl of th Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation incinsistent with or supplied by this act" giving to the Public Service Commission the power and authority to vary reform or revise on a fair and equitable basis contracts to which a public service company is a party and the subject-matter whereof concerns or affects a public right benefit privilege duty or franchise providing for a hearing and determination of the matter of a variance reformation or revision of such contracts and providing for the issuance and service of orders by the Public Service Commission varying reforming or revising such contracts and the effective date of such orders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pnnsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That the Public Service Commission of this Commonwealth in addition to the powers heretofore granted to it shall also have the power and authority to vary reform or revise upon a fair reasonable and equitable basis the obligations terms and conditions of any contracts heretofore or hereafter entered into between a public srvice company or companies and any prson partnership joint stock company or corporation or heretofore or hereafter entered into between a public service company or companies and a municipality or municipalities where the subject-matter of such contract in any instance embraces or concerns a public right benefit privilege duty or franchise or the grant thereof or otherwise affects or concerns the public interest

Section 2 Whenever the Public Service Commission shall determine after hearing had upon its own motion or upon complaint that any of the obligations terms or conditions of any contract heretofore or hereafter entered into between a public service company or companis and any person partnership joint stock company corporation or a municipality respecting a public right benefit privilege duty or franchise or the grant thereof or any matter otherwise affecting the public interest is or are unjust unreasonable or inequitable then the Commission shall determine and prescribe by a special order the just reasonable and equitable obligations terms and conditions upon which such

contract shall thenceforth continue and endure Such order shall be served by the Public Service Commission upon the public service company or companies and any other party privy to the contract embraced by such order Any contract varied reformed or revised as hereinabove provided shall become effective and operative as thus varied reformed or revised after thirty days from the service as hereinabove provided of the order varying reforming or revising same unless an appeal be taken from such order within such time

Section 3 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1122, as follows:

An Act to amend section fifty-one of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to Consolidate Revise and Amend the Penal Laws of this Commonwealth" by changing the fines and penalties thereunder

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifty-one of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to Consolidate Revise and Amend the Penal Laws of this Commonwealth" is hereby amended to read as follows

Section 51 Any person who shall directly or indirectly give or offer to give any such gift or reward to any such elector with the intent to induce him to vote for any particular candidate or candidates at such election or shall directly or indirectly procure or agree to give any such gift or reward to such elector with the intent aforesaid or shall with the intent to influence or intimidate such elector to give his vote for any particular candidate or candidates at such election give offer or promise to give to such elector any office place appointment or employment or threaten such elector with dismissal or discharge from any office place appointment or employment public or private then held by him in case of his refusal to vote for any particular candidate or candidates at such election the person so offending shall be guilty of a misdemeanor and on conviction be sentenced to pay a fine not exceeding [five hundred] two thousand dollars and undergo an imprisonment [not exceeding two years] for not less than six months or more than one year or both at the discretion of the court

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2398, as follows:

An Act to amend section three hundred twenty of article three of the act approved the seventeenh day of May one housand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred twenty of article three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 320 Annual and other reports penalties

Every stock and mutual insurance company association and exchange doing business in this Commonwealth shall annually on or before the first day of March file in the office of the Insurance Commissioner a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year and its business of that year and shall within thirty days after requested by the Insurance Commissioner render such additional statement or statements concerning its affairs and financial condition as the Insurance Commissioner may in his discretion require The Insurance Commissioner shall [annually] furnish to each of the insurance companies associations and exchanges blanks in such form as he may adopt for their [annual] statement and he may make such changes from time to time in the form of the same as shall seem to him best adapted to elict from them a true exhibit of their financial condition Insurance companies of foreign governments doing business in this Commonwealth shall be required to return only the business done in the United States and the assets held by and for them within the United States for the protection of policyholders therein

Any company association or exchange which neglects to make and file its annual statement or other statements that may be required in the form or within the time herein provided shall forfeit one hundred dollars ($100) for each day during which such neglect continues and upon notice by the Commissioner its authority to do new business shall cease while such default continues

For wilfully making a false annual or other statement required by law an insurance company association or exchange and the persons making oath to or subscribing the same shall severally be punished by a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000) A person who wilfully makes oath to such false statement shall be guilty of perjury

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second Reading and consideration of House Bill No. 2682, as follows:

An Act providing for the formation of non-profit membership corporations to be known as electric membership corporations for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to

the inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management of the business of such corporations providing for the rights powers and duties of such corporations authorizing and regulating the issuance of bonds by such corporations and providing for the payment of such bonds and the rights of the holders thereof

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is Hereby Enacted by Authority of the same That

Section 1 Short Title This Act may be cited as the "Electric Membership Corporation Act"

Section 2 Definitions The following terms whenever used or referred to in this act shall have the following meaning unless a different meaning clearly appears from the context

(a) "corporation" shall mean a corporation formed under this Act

(b) "municipality" shall mean any city town borough or township of the Commonwealth

(c) "person" or "inhabitant" shall mean and include natural persons firms associations corporations business trusts partnerships and bodies politic

(d) "energy" shall mean and include any and all electric energy no matter how generated or produced

(e) "acquire shall mean and include construct acquire by purchase lease devise gift or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof by public service corporations or other mode of acquisition

(f) "system" shall mean and include any plant works system facilities or properties together with all parts thereof and appurtenances thereof used or useful in connection with the generation production transmission or distribution of energy

(g) "law" shall mean any act or statute general special or local of this Commonwealth

(h) "federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administrator of Public Works and any and all other authorities agencies and instrumentalities of the United States of America heretofore or hereafter created

(i) "improve" shall mean and include construct reconstruct improve extend enlarge alter better and repair

(j) "board" shall mean the board of directors of a corporation formed under this Act

(k) "member" shall mean and include each natural person signing the certificate of incorporation of a corporation and each person admitted to membership therein pursuant to law or its by-laws

(l) "service" shall mean the sale or other disposition of energy at the lowest cost consistent with sound economy public advantage and the prudent conduct of the business of a corporation

Section 3 Formation Authorized Any number of natural persons not less than three may by executing filing and recording a certificate as hereinafter provided form a a corporation not organized for pecuniary profit for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management of the business of such corporations

Section 4 Certificate of incorporation The certificate of incorporation shall be entitled and endorsed "Certificate of Incorporation of ..... Electric Membership Corporation" (the blank space being filled in with the name of the corporation) and shall state

(a) The name of the corporation which name shall be such as to distinguish it from any other corporation

(b) A reasonable description of the territory in which its operations are principally to be conducted

(c) The location of its principal office and the post office address thereof

(d) The maximum number of directors not less than three

(e) The names and post office address of the directors not less than three who are to manage the affairs of the corporation for the first year of its existence or until their successors are chosen

(f) The period if any limited for the duration of the corporation If the duration of the corporation is to be perpetual this fact should be stated

(g) The terms and conditions upon which members of the corporation shall be admitted

(h) The certificate of incorporation of a corporation may also contain any provision not contrary to law which the incorporators may choose to insert for the regulation of its business and for the conduct of the affairs of the corporation and any provisions creating defining limiting or regulating the powers of the corporation its directors and members

Section 5 Execution and filing of certificate of incorporation The natural persons executing the certificate of incorporation shall be residents of the territory in which the principal operations of the corporation are to be conducted who are desirous of using electric energy to be furnished by the corporation The certificate of incorporation shall be acknowledged by the subscribers before a notary public or other officer empowered to take acknowledgments When so acknowledged the certificate may be filed in the office of the Secretary of the Commonwealth who shall forthwith prepare a certified copy or copies thereof and furnish one to the subscribers who shall cause the same to be recorded in the office of the Recorder of Deeds in each county in which a portion of the territory of the corporation is located As soon as the provisions of this Section have been complied with the proposed corporation described in the certificate so filed under its designated name shall be and constitute a body corporate

Section 6 Board of directors Each corporation formed hereunder shall have a board of directors and the powers of a corporation shall be vested in and exercised by a majority of the directors in office The directors of the corporation other than those named in its certificate of incorporation shall be elected annually by the members entitled to vote The directors must be members and shall not be entitled to compensation for their services but shall be entitled to reimbursement for expenses incurred by them in the performance of their duties The board shall elect annually from its own number a president and a secretary

Section 7 Powers of board The board shall have power to do all things necessary or convenient in conducting the business of a corporation including but not limited to

(a) The power to adopt and amend by-laws for the management and regulation of the affairs of the corporation The by-laws by a corporation may make provisions not inconsistent with law or its certificate of incorporation regulating the admission withdrawal suspension or expulsion of members the transfer of memberships the fees and dues of members and the termination of memberships on non-payment of dues or otherwise the number times and manner of choosing qualifications terms of office official designations powers duties and compensation of its officers defining a vacancy in the board or in any office and the manner of filling it the number of members not less than a majority to constitute a quorum at meetings the date of the annual meeting and the giving of notice thereof and the holding of special meetings and the giving of notice thereof the terms and conditions upon which the corporation is to render service to its members the disposition of the revenues and receipts of the corporation regular and special meetings of the board and the giving of notice thereof

(b) To appoint agents and employees and to fix their compensation and the compensation of the officers of the corporation

(c) To execute instruments

(d) To delegate to one or more of the directors or to the agents and employes of a corporation such powers and duties as it may deem proper

(e) To make its own rules and regulations as to its procedure

Section 8 Certificates of membership A corporation may issue to its members certificates of membership and each member shall be entitled to only one vote at the meetings of the corporation

Section 9 Corporate purpose The corporate purpose of each corporation formed hereunder shall be to render service to its members only and no person shall become or remain a member unless such person shall use energy supplied by such corporation and shall have complied with the terms and conditions in respect to membership contained in the by-laws of such corporation

Section 10 General grant of powers Each corporation formed under this Act is hereby vested with all power necessary or requisite for the accomplishment of its corporate purpose and capable of being delegated by the legislature and no enumeration of particular powers hereby granted shall be construed to impair any general grant of power herein contained nor to limit any such grant to a power or powers of the same class or classes as those so enumerated

Section 11 Specific grant of powers Subject only to the constitution of the Commonwealth a corporation created under the provisions of this Act shall have power to do any and all acts or things necessary or convenient for carrying out the purpose for which it was formed including but not limited to

(a) To sue and be sued

(b) To have a seal and alter the same at pleasure

(c) To acquire hold and dispose of property real and personal tangible and intangible or interests therein and to pay therefor in cash or on credit and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine

(d) To render service and to acquire own operate maintain and improve a system or systems

(e) To pledge all or any part of its revenues or mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations

(f) To construct or place any part or parts of a system or systems across in or along any street or public highway or over any lands which are now or may be the property of this Commonwealth or any political subdivision thereof without obtaining any franchise or other permit therefor The corporation shall however restore any such street or highway to its former condition or state as near as may be and shall not use the same in a manner to impair unnecessarily its usefulness

(g) To accept gifts or grants of money property real or personal from any person municipality or federal agency and to accept voluntary and uncompensated services

(h) To make any and all contracts necessary or convenient for the full exercise of the powers in this Act granted including but not limited to contracts with any person federal agency or municipality for the purchase or sale of energy for the management and conduct of the business of the corporation including the regulation of the rates fees or charges for service rendered by the corporation

(i) To sell lease mortgage or otherwise encumber or dispose of all or any part of its property as hereinafter provided

(j) To contract debts borrow money and to issue or assume the payment of bonds

(k) To fix maintain and collect fees rents tolls and other charges for service rendered

(l) To perform any and all of the foregoing acts and to do any and all of the foregoing things under through or by means of its own officers agents and employees or by contracts with any person federal agency or municipality

Section 12 Sale of property No corporation may sell mortgage lease or otherwise encumber or dispose of any of its property (other than merchandise) unless authorized so to do (a) by the votes of at least a majority of its members and (b) the consent of the holders of seventy-five per centum (75%) in amount of the bonds of such corporation then outstanding is obtained

Section 13 Issuance of bonds A corporation formed hereunder shall have power and is hereby authorized from time to time to issue its bonds in anticipation of its revenues for any corporate purpose Such bonds may be authorized by resolution or resolutions of the board and may bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually be in such denominations be in such form either coupon or registered carry such registration privileges be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption not exceeding par and accrued interest as such resolution or resolutions may provide Such bonds may be sold in such manner and upon such terms as the board may determine at not less than par and accrued interest Any provision of law to the contrary notwithstanding any bonds and the interest coupons appertaining thereto if any issued pursuant to this Act shall possess all of the qualities of negotiable instruments

Section 14 Covenants or agreements for security of bonds In connection with the issuance of any bonds a corporation may make covenants or agreements and do any and all acts or things that a business corporation can make or do under the laws of the Commonwealth in order to secure its obligations or which in the absolute discretion of the board tend to make the obligations more marketable notwithstanding that such covenants agreements acts and things may constitute limitations on the exercise of the powers herein granted

Section 15 Purchase and cancellation of bonds A corporation created under this act shall have power out of any funds available therefor to purchase any bonds issued by it at a price not exceeding the principal amount thereof and accrued interest thereon All bonds so purchased shall be cancelled

Section 16 Consolidation Any two or more corporations created under the provisions of this Act may enter into an agreement for the consolidation of such corporations Such agreement shall set forth the terms and conditions of the consolidation the name of the proposed consolidated corporation the number of its directors not less than three the time of the annual election and the names of the persons not less than three to be directors until the first annual meeting If such agrement is approved by the votes of a majority of the members of each corporation the directors named in the agreement shall subscribe and acknowledge a certificate conforming substantially to the original certificates of incorporation except that it shall be entitled and endorsed "Certificate of Consolidation of ....." (the blank space being filled in with the names of the corporations being consolidated) and shall state

(1) The names of the corporations being consolidated

(2) The name of the consolidated corporation

(3) The other items required or permitted to be stated in an original certificate of incorporation

Such certificate of consolidation and a certified copy or copies thereof shall be filed in the same places as an original certificate of incorporation and thereupon the proposed consolidated corporation under its designated name shall be and constitute a body corporate with all the powers of a corporation as originally formed hereunder

Section 17 Extension of territory Any corporation as originally formed hereunder or a corporation resulting from the consolidation of two or more corporations may extend its territory by filing in the office of the officer charged with the duty of recording deeds of the county in which such new territory is located a certificate subscribed and acknowledged in the same manner as an original certificate of incorporation hereunder by the president or a vice-president and the secretary or an assistant secretary of the corporation which shall set forth

(a) The name of the corporation

(b) A reasonable description of the new territory

(c) That the corporation is ready and able to extend forthwith its system into such new territory to the extent that it may economically do so

In the event that such new territory includes part of the territory of another corporation or corporations then such certificate shall contain a statement o he effect that such oher corporation or corporations have been requested in writing to construct the extensions which the corporation wishing to extend its territory is ready and able to construct and that such other corporation or corporations are not ready and able so to do Unless such other corporation

or corporations shall commence construction of such extensions within thirty days after being requested so to do this shall be conclusive evidence as to the fact that such other corporation or corporations are not ready and able to construct such extensions Construction of such extensions begun by such other corporation or corporations within said thirty day period must be continued with reasonable diligence

Section 18 Rates A corporation formed hereunder shall have power to charge reasonable fees rents tolls prices and other charges for service rendered which shall be sufficient at all times to pay all operating and maintenance expenses necessary or desirable for the prudent conduct and operation of its business and the principal of and interest on such obligations as the corporation may have issued or assumed in the performance of the purpose for which it was formed and the revenues and receipts of a corporation shall first be devoted to such operating and maintenance expenses and to the payment of such principal and interest and thereafter to such reserves for improvement new construction depreciation and contingencies as the board may from time to time prescribe Revenues and receipts not needed for these purposes shall be returned to the members on a pro rata basis either in cash or in abatement of current charges for energy as the board may decide

Section 19 Dissolution Any corporation created hereunder may be dissolved by filing as hereinafter provided a certificate which shall be entitled and endorsed "Certificate of Dissolution of ....." (the blank space being filled in with the name of the corporation) and shall state

(a) Name of the corporation and if such corporation is a corporation resulting from a consolidation as herein provided the names of the original corporations

(b) The date of filing of the certificate of incorporation and if such corporation is a corporation resulting from a consolidation as herein provided the dates on which the certificates of incorporation of the original corporations were filed

(c) That the corporation elects to dissolve

(d) The name and post office address of each of its directors and the name title and post office address of each of its officers

Such certificates shall be subscribed and acknowledged in the same manner as an original certificate of incorporation by the president or a vice president and the secretary or an assistant secretary who shall make and annex an affidavit stating that they have been authorized to execute and file such certificates by the votes cast in person or by proxy by a majoriy of the members of the corporation entitled to vote

A certificate of dissolution and a certified copy or copies thereof shall be filed in the same places as an original certificate of incorporation and thereupon the corporation shall be deemed to be dissolved

Such corporation shall continue for the purpose of paying satisfying and discharging any existing liabilities or obligations and collecting or liquidating its assets and doing all other acts required to adjust and wind up its business and affairs and may sue and be used in its corporate name Any asstts remaining after all liabilities or obligations of the corporation have been satisfied or discharged shall pass to and become the property of the State

Section 20 Amendment of certificate of incorporation A corporation created hereunder may amend its certificate of incorporation to change its corporate name to increase or reduce the number of its directors or change any other provision therein provided however that no corporation shall amend its certificate of incorporation to embody therein any purpose power or provision which would not be authorized if its original certificate including such additional or changed purpose power or provision were offered for filing at the time a certificate under this Section is offered Such amendment may be accomplished by filing a certificate which shall be entitled endorsed "Certificate of Amendment of .....Electric Membership Corporation" and state

(1) The name of the corporation and if it has been changed the name under which it was originally incorporated

(2) The date of filing the certificate of incorporation in each public office where filed

(3) The purposes powers or provisions if any to be amended or eliminated and the purposes powers or provisions if any to be added or substituted Such certificate shall be subscribed in the same manner as an original certificate of incorporation hereunder by the president or a vice-president by the secretary or the assistant secreary who shall make the annex an affidavit stating that they have been authorized to execute and file such certificate by the votes cast in person or by proxy by a majority of the members of the corporation entitled to vote Such certificate shall be filed in the same places as an original certificate of incorporation and thereupon the amendment shall be deemed to have been effected

Section 21 Construction of Act This Act is to be liberally construed and the enumeration of any object purpose power manner method or thing shall not be deemed to exclude like or similar objects purposes powers manners methods or things

Section 22 Separability of provisions If any provision of this Act or the application of such provison to any person body or circumstance shall be held invalid the remainder of this Act or the application of such provision to persons bodies or circumstances other than those as to which it shall have been held invalid shall not be affected thereby

Section 23 Act complete in itself This Act is complete in itself and shall be controlling The provisions of any other law general special or local except as provided in this Act shall not apply to a corporation formed under this act

Section 24 Time of Taking Effect This Act shall take effect immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be laid aside for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2402 as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companes

Section 1 Be it enacted by the Senate and House of Represetatives of the Commonwealth of Pnnsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including nsurance carred by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto the following new subdivision and section

(G) MUTUAL CASUALTY INSURANCE

Section 675 Licensing of Foreign Mutual Casualty Insurance Companies A mutual casualty insurance company organized under the laws of any other state or country and having by its charter the power to transact the insurance business specified in section two hundred two subdivision (c) in order to be licensed to transact the classes of business mentioned in section two hundred to sub-paragraph (c) shall have a surplus over all liabilities including unearned premium and loss reserves of not less than the capital required of a domestic stock company to transact the same kinds of insurance

Section 2 This act shall become effective immediately upon its enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1901, as follows:

An Act regulating the procedure in the court of common pleas in cases where there shall be divers claimants in different rights for all or part of a single award of damages or verdict in favor of any one of such claimants in matters arising under the exercise of the right of eminent domain

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if there are two or more claimants to any award of damages verdict or judgment for the taking injury to or destruction of the same piece of real estate or any part thereof under the right of eminent domain and they do not agree upon a division thereof or if for any reason the defendant cannot determine who may be entitled to receive the award of damages or verdict or any part thereof the defendant may pay the award of damages as determined by the report of the board of view if unappealed or by the judgment entered after trial on appeal into the court of common pleas having jurisdiction upon the application of any claimant or party interested in said award of damages or verdict or judgment and upon such notice as the court shall order to all interested parties or claimants the Court may upon proof of claim or interest determine the person or persons entitled to said award of damages verdict or judgment and order such distribution of the same as may be just

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2300, as follows:

A Supplement to the act approved the eighth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred thirty-six) entitled "An act to amend an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April Anno Domini one thousand eight hundred and seventy-four providing for the incorporation and regulation of electric light heat and power companies" by granting to every corporation heretofore or hereafter incorporated for the supply of light heat and power or any of them to the public by electricity and to every corporation which has heretofore accepted the provisions of said amendment enlarged power to appropriate property situated outside of but adjacent to the legal limits of public streets lanes alleys roads and highways for the purpose of locating relocating constructing operating and maintaining lines poles or their supports and other appurtenances or any of them whenever public governmental authorities in the constructing reconstructing locating relocating widening straightening altering maintaining or otherwise improving any such highways request temporary or permanent relocation change or alteration of or in any pole line facilities of any such company and providing a method for the assessment of damages arising from such appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every corporation heretofore or hereafter incorporated for the purpose stated in section two of the act to which this is a supplement and every corporaion which has heretofore accepted the provisions of said act as provided in section three thereof shall in addition to and without impairment or limitation of any of their present rights and powers and for the purpose of supplying light heat and power or any of them by means of electricity to the public in the borough town city or district in which it may be located and to such persons parnerships and corporations residing therein or adpacent thereto as may desire the same have the right and power to appropriate property situated outside of but adjacent to the legal limits of public streets lanes alleys roads or other public highways for the purpose of locating relocating constructing operating and maintaining lines poles or their supports and other oppurtenances or any of them whenever the public governmental authorities having jurisdiction over the constructing locating relocating widening straightening altering maintaining or otherwise improving any such streets lanes alleys roads or highways request in connection with any such improvements the temporary or permanent relocation change or alteration of or in any pole line facilities of any such company except that property of a public service company or property used as a burying ground or place of public worship or a dwelling house shall not be appropriated by virtue of the power conferred by this supplement All damages arising from any exercise of the power conferred by this supplement shall be ascertained recovered and paid as provided by the forty-first section of the act approved the twenty-ninth day of April one housand eight hundred and seventy-four (Pamphlet Laws seventy-three) and the amendments thereof and supplements thereto

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 618, as follows:

An Act to authorize boroughs and townships of the first class to sue out writs of scire facias on certain tax liens or to review judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any borough or township of the first class has heretofore filed in the office of the prothonotary of the proper county any tax lien or tax liens and the borough or township of the first class has not within the period of five years after the date on which any such tax lien was filed sued out a writ of scire facias to reduce the same to judgment or whenever any such tax lien or tax liens have been reduced to judgment and the borough or township of the first class has not within the period of five years after the date on which such judgment or judgments were entered or within five

years after the date on which such judgment or judgments were last revived filed a suggestion of nonpayment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such borough or township of the first class may within six months after the final enactment of this act issue its praecipe for a writ of scire facias on any such tax lien and proceed to judgment in the manner provided by law to obtain judgments upon tax liens or in case judgment has been entered either file a suggestion of non payment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such judgment so entered or revived shall be a valid judgment and be a lien upon the real estate upon which it was a lien at the time the lien was filed or the judgment was entered and said judgment may be revived or further revived and collected as other judgments upon tax liens are revived and collected Provided however That the lien of any judgment shall not reattach against any real estate transferrel to any purchaser during the time when the lien of any such tax lien or judgment was lost nor shall the lien of any such judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the borough or township of the first class to sue out the writ of scire facias or file a suggestion of nonpayment and averment of default within the five year period or was entered of record during the time the lien of such tax lien or judgment was lost

This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2537, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by authorizing insurance companies associations and exchanges to apply for and obtain insurance of mortgages and to make further investments of capital reserve and surplus funds pursuant to the National Housing Act by adding a new section

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred four five hundred seventeen and six hundred two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" are hereby amended or further amended as the case may be to read as follows

Section 404 Investment of Capital and Reserve A sum equal to the capital and reserves of any stock or mutual life insurance company organized under the laws of this Commonwealth shall be invested as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United States or District of Columbia or Canada or of any State or Territory of the United States and in farm loan bonds issued by Federal Land Banks

(c) In legally authorized bonds notes warrants or obligations of any city town county borough township municipality school district poor district or water sewer drainage road or other government district or division located in this Commonwealth or in any State of the United States.

(d) In ground-rents and in loans upon unencumbered real estate in any State of the United States or the District of Columbia Provided That no loan shall exceed sixty per centum of the fair market value thereof at the time of such loan And provided further That the limitation herein prescribed in respect to the percentage of the fair market value of the property upon which an insurance company may make loans shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the national Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

(e) In debentures issued by the Federal Housing Administrator in settlement of claims for insurance pursuant to title two of the National Housing Act

(f) In securities of national mortgage associations or similar national mortgage credit institutions now or hereafter organized under title three of the National Housing Act

[(e)] (g) In loans upon the security of its own policies not exceding the net value of the policy at the time of making the loan

[(f)] (h) In first encumbrances upon standard steam railroads street or interurban railways or upon their rolling stock equipment or of water gas or other public utility companies or bonds issued to retire a prior debt or bonds pror thereto or in other bonds or notes of the above named corporations upon which no default in interest exists at the time of purchase The Insurance Commissioner may permit any company to invest sufficient of its capital and reserves in the securities of a foreign government in order to enable it to comply with the laws of such foreign government and transact business therein

Nothing herein contained shall be so construed as to prevent any such company from acquiring or holding property taken in reorganization or foreclosure proceedings or which may be obtained in satisfaction of any debt previously contracted

Section 517 Investment of Capital The capital of any stock fire stock marine or stock fire and marine insurance company of this Commonwealth shall be invested only as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United States or District of Columbia or of the State Territory of the United States or Canada and in farm loan bonds issued by Federal Land Banks

(c) In the legally authorized bonds or notes of any city county township municipality school or water district of this Commonwealth or of any other State or Territory of the United States or Canada

(d) In the bonds or notes of any solvent railroad or street railway corporations upon which no default in interest has been made

(e) In ground-rents and loans upon improved and unencumbered real estate No loan on such real estate shall exceed sixty-six and two-thirds per centum (66-2/3%) of the fair market value thereof at the time of making such loan Provided That the limitation herein prescribed in respect to the percentage of the fair market value of the property upon which an insurance company

may make loans shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

(f) In debentures issued by the Federal Housing Administrator in settlement of claims for insurance pursuant to title two of the National Housing Act

(g) In securities of national mortgage associations or similar national mortgage credit institutions now or hereafter organized under title three of the National Housing Act

[(f)] (h) Any such company which has one million dollars of capital and one million dollars of surplus may invest in the capital of any like company organized under the laws of the Commonwealth or the laws of any of the United States solely to transact the same class of business in countries outside of the United States Such investment shall be limited to an amount not exceeding thirty-per centum of the par value of the capital stock of the investing company

[(g)] (i) The Insurance Commissioner may permit any such company to invest sufficient of its reserves in the securities of a foreign government in order to enable it to comply with the laws of such foreign government and transact business therein

Section 602 Investment of Capital Every domestic stock casualty insurance company shall invest and keep invested in sound income-bearing securities all its capital and funds of every description excepting such cash as may be required in the transaction of its business and such as it may invest in real estate as hereinafter authorized The capital of every such company shall be invested as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United State or District of Columbia or of any State or Territory of the United States or Canada and in farm loans issued by Federal Land Banks

(c) In the legally authorized bonds or notes of any city or county township municipality school or water district of this Commonwealth or of any other State or Territory of the United States or Canada

(d) In the bonds or notes of any solvent railroad or street railway corporation upon which no default in interest has been made

(e) In ground-rents and loans upon improved and unencumbered real estate Provided That no loan on such real estate shall exceed sixty-six and two-thirds per centum (66-2/3%) of the fair market value thereof at the time of making such loan And provided further That the limitation herein prescribed in respect to the percentage of the fair market value of the property upon which an insurance company may make loans shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

(f) In debentures issued by the Federal Housing Administrators in settlement of claims for insurance pursuant to title two of the National Housing Act

(g) In securities of national mortgage associations or similar national mortgage credit institutions nor or hereafter organized under title three of the National Housing Act

[(f)] (h) Any such company which has one million dollars of capital and one million dollars of surplus may invest in the capital of any like company organized under the laws of this Commonwealth or of the laws of any of the United States solely to transact the same class of business in countries outside of the United States Such investment shall be limited to an amount not exceeding thirty per centum of the par value of the capital stock of the investing company

On the question,

Will the House agree to the section?

Miss BRANCATO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 6, line 28, by striking out the word "loans" and insert in lieu thereof "loan bonds"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

Sections two and three and the title were separately read and agreed to as follows:

Section 2 That at the end of article three of said act the following new section is hereby added

Section 355 Companies Authorized to Apply for and Obtain Insurance of Mortgages, Insurance companies associations and exchanges are authorized to make application for and obtain insurance of mortgages as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendements and supplements

Section 3 This act shall become effective immediately upon its final enactment

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by authorizing insurance companies associations and exchanges to apply for and obtain insurance of mortgages and to make further investments of capital reserve and surplus funds pursuant to the National Housing Act by adding a new section

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2395, as follows:

An Act to repeal the act approved the twentieth day of May one thousand nine hundred twenty-one (Pamphlet Laws one thousand ten) entitled "An act authorizing the merger and consolidation of water or water power companies organized prior to the first day of April one thousand nine hundred and five and providing the manner in which such merger shall be effected" and its amendment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twentieth day of May one thousand nine hundred twenty-one (Pamphlet Laws one thousand ten) entitled "An act authorizing the merger and consolidation of water or water power companies organized prior to the first day of April one thousand nine hundred and five and providing the manner in which such merger shall be effected" and its amendment is hereby repealed

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2391 as follows:

An Act to amend section two of the act approved the seventeenth day of May one thousand nine hundred twenty-three (Pamphlet Laws two hundred fifty-one) entitled "An act authorizing the sale assignment disposition transfer and conveyance of the franchises and of the property real personal and mixed of any water or power water companies organized prior to the first day of April one thousand nine hundred and five to another water or water power company also organized prior to the first day of April one thousand nine hundred and five and providing the manner in which said sale and purchase shall be effected" by eliminating the proviso relating to the acceptance of the provisions of the act approved the thirteenth day of April one thousand nine hundred five (Pamphlet Laws one hundred fifty-two)

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the seventeenth day of May one thousand nine hundred twenty-three (Pamphlet Laws two hundred fifty-one) entitled "An act authorizing the sale assignment disposition transfer and conveyance of the franchises and of the property real personal and mixed of any water or power water companies organized prior to the first day of April one thousand nine hundred and five to another water or water power company also organized prior to the first day of April one thousand nine hundred and five and providing the manner in which said sale and purchase shall be effected" is hereby amended to read as follows

Section 2 That the said sale and purchase shall be effected in the manner provided by an act entitled "A supplement to an act approved April twenty-ninth one thousand eight hundred and seventy-four entitled 'An act to provide for the incorporation and regulation of certain corporations' providing for the further regulation of such corporations and for the incorporation and regulation of certain additional corporations" approved the seventeenth day of April one thousand eight hundred and seventy-six (Pamphlet Laws thirty) [Provided That the said corporation parties thereto or the stockholders thereof shall not be required to accept the provisions of the act approved April thirteenth one thousand nine hundred and five (Pamphlet Laws one hundred and fifty-two) entitled "An act providing that the right of eminent domain as respects the appropriation of streams rivers or waters or the land covered thereby shall not be exercised by water companies incorporated under the law"]

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2212 entitled:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class and providing when liability on such bond shall cease

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith as amended by section twenty-one of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred fifty-two) is hereby further amended to read as follows

Section 550 (a) Every person appointed or elected collector of school taxes in any school district of the second third or fourth class in this Commonwealth in addition to any bonds that he may now be required by law to give and before receiving his tax duplicate and warrant to collect said school taxes shall furnish to the school district a proper bond in an amount to be fixed by the board of school directors with such surety or sureties as it may approve conditioned upon the faithful performance of his duties as such tax collector

(b) In lieu of furnishing such a bond the tax collector may file his own collateral bond in such amount as may be required by the board of school directors secured by an actual deposit with the board of school directors or with any bank or trust company within the Commonwealth which may be agreed upon of any of the securities which depositories may use to secure the deposit of school funds as herein provided The total market value of the securities thus deposited shall equal the amount of the collateral bond Such collateral bond shall be conditioned upon the faithful performance of his duties as tax collector The securities thus deposited shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond The securities shall be accompanied by a proper assignment or power of attorney for their transfer Such trust deposit in the event of any depreciation in its value shall be maintained upon request in writing of the board of school directors at the amount provided herein The board of school directors may permit the tax collector to substitute for any one or more bonds or obligations included in any such securities other bonds or obligations as long as the new securities meet the requirements of this act

(c) In school districts of the second class the board of school directors may in lieu of a surety bond accept a fidelity bond conditioned upon the accounting for and payment over of all moneys received by him as taxes and the accounting for all tax items contained in his duplicate which remain uncollected The tax collector and his sureties shall be discharged from further liability on any bond as soon as all tax items contained in the duplicate are either (1) collected and paid over or (2) certified to the board of school directors for entry as liens in the office of the prothonotary or (3) returned to the county commissioners for sale or (4) the tax collector is exonerated from the collection thereof

(d) In case any person elected or appointed tax collector shall fail to furnish a proper bond with the proper sureties or securities within fifteen days after his appointment or notice so to do then in any such case the board of school directors shall appoint another suitable person as collector of the school taxes in said district in his place

and stead who upon giving the proper bond with the proper sureties or securities required by the provisions of this act shall be the duly authorized person to collect the school taxes in said district for the ensuing school year

On the question,

Will the House agree to the section?

Mr. AUKERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 15, by underscoring the following: "(a)"

Amend Sec. 1, page 2, line 25, by underscoring the following: "(b)"

Amend Sec. 1, page 3, line 19, by underscoring the following: "(c)"

Amend Sec. 1, page 4, line 3, by underscoring the following: "(d)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class; and providing when liability on such bond shall cease.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2206 as follows:

An Act to amend section one thousand three hundred and one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended establishing a compulsory tax levy for fire protection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand three hundred and one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred eighteen) is hereby further amended to read as follows

Section 1301 General Levy The council of the borough shall have power by ordinance to levy and collect annually for general borough purposes any tax not exceeding fifteen (15) mills on the dollar on the valuation assessed for county purposes as now is or may be provided by law Of such levy not more than one (1) mill and not less than one-half (½) mill shall be expended to purchase fire engines and fire apparatus and supplies for the use of the borough and appropriated to fire companies for the construction repair and maintenance of fire company houses All property offices professions and persons made taxable by the laws of this Commonwealth for county rates and levies may in the discretion of council be taxed after the same manner for general borough purposes No action on the part of the borough authorities fixing the tax rate for any year at a mill rate need include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property

An said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2207 entitled:

An Act to amend clause four of section seven hundred two and clause five of section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection and requiring the levy of a tax for fire protection

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause four of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

IV Fire Protection To appropriate moneys to fire companies located therein to secure fire protection for the inhabitants of the township To enter into contracts with the proper authorities of near or adjacent cities boroughs or townships or fire departments fire companies or fire company therein for the furnishing to such townships of fire protection by the fire department fire departments fire companies or fire company of such cities boroughs or townships and to make appropriations therefor Provided that such contracts before being entered into by township supervisors shall be first approved by the township auditors

Section 2 That clause five of section nine hundred five of said act is hereby amended to read as follows

Five [A] The supervisors shall levy a tax not exceeding one mill and not [exceeding the amounts hereinafter limited] less than one-half mill for the purpose of [purchasing and] maintaining fire apparatus [and to] and fire buildings and the payment of municipalities and organizations outside the township for fire protection The supervisors may provide with the assent of the electors of the township as hereinafter provided a suitable place for the housing of [the same] fire apparatus if such place does not exist and [to] make appropriations to fire companies for the purchase and maintenance of fire apparatus [but the total expenditure for the purchase of fire apparatus by the township together with the amount of appropriation to one or more fire companies from such taxes shall not for the first fiscal year exceed in all the sum of seven thousand five hundred dollars nor shall any] No new fire apparatus shall be thereafter purchased by the township or by any fire company from appropriations made by the township without the consent of the electors as hereinafter provided [nor shall the total expenditure by the

township in any fiscal year for the purpose of maintenance and operation together with the appropriations to any one or more fire companies exceed forty-five hundred dollars]

Whenever the assent of the electors is required as hereinbefore provided the same shall be expressed at an election to be held at the place time and under the same regulations as provided by law for the holding of primary general or municipal election At such election the election officers shall receive ballots from the electors which shall be prepared in the manner prescribed by the general election law In receiving and counting and in making return of the votes cast the election officers shall be governed by the laws regulating municipal elections and the returns shall be computed by the court as now provided by law for municipal elections

On the question,

Will the House agree to the section?

Mr. RUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 19, by inserting after the word "elections" the following paragraphs:

"'The taxes authorized to be levied by this section shall be levied upon the last adjusted valuation for county purposes, which valuation shall be furnished to the township supervisors by the county commissioners. If any further adjustment of valuation is made by the county commissioners, after any tax is so levied, and before said tax is payable, such adjusted valuation shall be certified to the township supervisors and to the township collector of taxes by the commissioners, and the tax shall be collected on the basis of such adjusted valuation.

This article does not include the levy of any taxes upon particular districts or parts of any township for particular purposes."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Section two and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend clause four of section seven hundred two and clause five of section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection and requiring the levy of a tax for fire protecton

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1716, entitled:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the officers of school districts to join with or aid any individual or association in the maintenance or the establishment and maintenance of a public library although a school library already exists

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith," is hereby amended to read as follows

Section 2510 [instead of establishing or maintaining a separate public school library any] Any board of school directors may by a two-thirds vote join with or aid any individual or association in the maintenance or establishment and maintenance of a free public non-sectarian library under such written agreement as it may determine whether or not a separate public school library is already maintained in the district Such agreement shall be entered in full in its minutes and shall specify the manner terms and conditions agreed upon for the aiding establishment maintenance or management of such joint library

On the question,

Will the House agree to the section?

Mr. FORREST. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 16, by inserting before the word "establish-" the following: "the"

Amend Sec. 1, page 2, line 18, by underscoring the word "whether"

Amend Sec. 1, page 2, line 20, by inserting after the word "district" the following: "[which]"

Amend Sec. 1, page 2, line 20, by underscoring the word "Such"

Amend Sec. 1, page 2, line 21, by underscoring the word "and" before the word "shall"

Amend Sec. 1, page 2, line 21, by inserting before the word "shall" the following: "[Such agreement]"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general,

special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the officers of school districts, to join with or aid any individual or association in the maintenance, or the establishment and maintenance, of a public library, although a school library already exists.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2297, as follows:

A Supplement to an act approved the second day of July one thousand eight hundred ninety-five (Pamphlet Laws four hundred twenty-five) entitled "An act granting to water power companies and other corporations owning or controlling water power authority to develop and distribute electric power by means of their water power and to erect construct and maintain the necessary buildings plant and apparatus for that purpose" by granting to every corporation heretofore organized or hereafter to be organized for the purpose of supplying water power to the public enlarged power to appropriate property situated outside of but adjacent to the legal limits of public streets lanes alleys roads and highways for the purpose of locating relocating constructing operating and maintaining lines poles or their supports and other appurtenances or any of them whenever public governmental authorities in the constructing reconstructing locating relocating widening straightening altering maintaining or otherwise improving any such highways requesting temporary or permanent relocation change or alteration of or in any pole line facilities of any such company and providing a method for the assessment of damages arising from such appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every corporation heretofore organized or hereafter to be organized under the laws of this State for the purpose of supplying water power to the public shall in addition to and without impairment or limitation of any of their present rights and powers and for the purpose of supplying current and power to the public individuals firms and corporations have the right and power to appropriate property situated outside of but adjacent to the legal limits of public streets lanes alleys roads or other public highways for the purpose of locating relocating constructing operating and maintaining lines poles or their supports and other appurtenances or any of them whenever the public governmental authorities having jurisdiction over the constructing reconstructing locating relocating widening straightening altering maintaining or otherwise improving any such streets lanes alleys roads highways request in connection with any such improvements the temporary or permanent relocation change or alteration of or in any pole line facilities of any such company except that property of a public service company or property used as a burying ground or place of public worship or a dwelling house shall not be appropriated by virtue of the power conferred by this supplement All damages arising from any exercise of the power conferred by this supplement shall be ascertained recovered and paid as provided by the forty-first section of the act approved April twenty-ninth one thousand eight hundred seventy-four (Pamphlet Laws seventy-three) and the amendments thereof and supplements thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2490, as follows:

An Act to amend clauses six nine and ten of section one as amended clause nine of section eight as added section eleven as amended clause five of section twelve and clause two of section thirteen and sections fourteen and fifteen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" opening the system further for original members defining officers and employes of the Pennsylvania State College as State employes providing for the calculation of annuities where original and new members are retired before completing back payments defining certain members as new members providing for the calculation of annuities where members transferred from one class to another defining the rights of retired persons who return to State service and providing for the payment out of accumulated deductions and annuities due by the board in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause six of section one of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred nineteen) is hereby further amended to read as follows

6 "State employe" shall mean any person holding a State office under the Commonwealth of Pennsylvania or employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwleath and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal Funds But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds im-

posing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

Section 2 That clause nine of section one of said act as last amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred sixty-three) is hereby further amended to read as follows

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred [thirty-three] thirty-five

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

Section 3 That clause ten of section one of said act as last amended by section two of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred nineteen) is hereby further amended to read as follows

10 "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not an original member and who is elected re-elected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe" Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed [except that payment of] Any such deduction increase may be anticipated in full by the member at any time

Section 4 That clause nine of section eight of said act which was added by section three of the act approved the twelfth day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred nineteen) is hereby amended to read as follows

(9) A contributor whether an original member or a new member who is in active service on the date when this amendment becomes effective may transfer from the one one-hundredth-sixtieth (1-160) class to the one one-hundreth (1-100) class Provided that he completes the transfer on or before the thirty-first day of December one thousand nine hundred and thirty-one Provided also that in the event of such transfer the per centum of salary deduction applicable to such transferred member in the one one-hundredth (1-100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction applicable while in the one one-hundred-sixtieth (1-160) class

Where a member has transferred from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class as above provided his State annuity upon retirement shall be calculated as follows

(a) For service subsequent to the time of transfer at the one one-hundred-sixtieth (1-160) rate

(b) For service subsequent to the date of transfer to the date of retirement at the one one-hundredth (1-100) rate

(c) For all service prior to the time of commencing contribution as the time he contributed at the one one-hundred-sixtieth (1-160) rate bears to the total time of contribution and as the time he contributed at the one one-hundrdeth (1-100) rate bears to the total time of contribution

Section 5 That section eleven of said act as amended by the act approved the twenty-sixth day of April one thousand nine hundred twenty-nine (Pamphlet Laws eight hundred forty-four) the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-three) and the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred sixty-three) is hereby further amended to read as follows

Section 11 (1) Should a contributor before reaching superannuation retirement age by resignation or dismissal or for any other reason than death or retirement upon disability under section twelve or for superannuation under section thirteen cease to be a State employe he or she shall be paid on demand from the fund created by this act (a) the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity beginning at superannuation retirement age which shall be the actuarial equivalent of said accumulated deductions His or her membership in the retirement association shall thereupon cease

(2) Should a State employe so separate from his or her service as State employe without retiring return within seven years and restore to the State Employes' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time

of his or her separation the annuity rights forfeited by him or her at that time shall be restored and his obligations as a member of the retirement association shall begin again but nothing contained in this clause shall limit the right of a State employe who has heretofore retired or shall hereafter retire voluntarily or involuntarily to return to service as a State employe at any time and to continue from the time of reentry into State service his rights as an original or new member as they existed at the time of retirement and add to such rights by further service In any case his or her annuity or allowance shall cease upon reentry into State service until subsequent retirement

(3) Should a member be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) An annuity of equivalent actuarial value to his or her accumulated contributions and in addition a State annuity beginning immediately having a value equal to the present value of a State annuity beginning at superannuation retirement age of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and in addition thereto if an original member of the retirement association of a further State annuity beginning immediately having a value equal to the present value of a State annuity beginning at superannuation retirement age of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act

(4) Should a judge discontinue service voluntarily or not voluntarily after having completed twenty years of total service but before reaching superannuation retirement age he or she may elect (in addition to the elections otherwise provided for by this act for State employes) to take at the time of retirement an annuity calculated in accordance with clause three (b) of this section as provided for in the case of State employes retiring not voluntarily after having completed ten years of total service or he or she may elect to take a deferred annuity beginning at superannuation retirement age calculated in accordance with section thirteen (2) as provided for in the case of State employes retiring for superannuation but in no event shall the total State annuity exceed fifty per centum of his or her final salary

(5) Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board In cast any contributor heretofore or hereafter dying has failed to nominate a beneficiary or the beneficiary nominated died prior to the death of the contributor and in either event the amount of his or her accumulated deductions is less than one hundred dollars ($100) the board may if letters testamentary or of administration have not been taken out on the estate of such contributor within six months of death pay such accumulated deductions on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 6 That clause five of section twelve of said act is hereby amended to read as follows

(5) On retirement for disability a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity which together with the member's annuity shall be sufficient to produce a retirement allowance of one-ninetieth (1-90) of his or her final salary multiplied by the number of his or her years of service but in any case not less than thirty per centum of said final salary unless said thirty per centum shall exceed eight-ninths of the rate of retirement allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age when the State annuity granted shall be such as to make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age

Where a member deferred taking membership and has not completed his back payments at the time of disability retirement then the State annuity shall be the amount to which the member would have been entitled had the back payments been completed at the time of becoming a member

Section 7 That clause two of section thirteen of said act is hereby amended to read as follows

(2) On retirement for superannuation a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent to his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement association a further State annuity of one one-hundrd-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act but in no event shall the total State annuity exceed fifty per centum of his or her final salary

Section 8 That section fourteen of said act is hereby amended to read as follows

Section 14 At the time of his or her superannuation retirement any contributor may elect to receive his or her benefits in a retirement allowance payable throughout life or if such retirement allowance amounts to less than five dollars ($5) per month he or she may elect to receive the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or her or she may on superannuation retirement elect to receive the actuarial equivalent at that time of his or her member's annuity State annuity or retirement allowance in a lesse rmember's annuity or a less State annuity or a less retirement allowance payable throughout life with the provisions that

Option 1 If he or she die before receiving in payments the present value of his or her member's annuity State annuity or retirement allowance as it was at the time of his or her retirement the balance shall be paid to his or her legal representatives or to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 2 Upon his or her death his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledge and filed with the retirement board at the time of his or her retirement

Option 3 Upon his or her death one-half of his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 4 Some other benefit or benefits shall be paid to either the contributor or such other person or persons as or she shall nominate provided such other benefit or benefits shall together with such lesser member's annuity or lesser State annuity or lesser retirement allonwance be

certified by the actuary of the retirement board to be of equivalent actuarial value and shall be approved by the retirement boards

Section 9 That section fifteen of said act is hereby amended to read as follows

Section 15 A member's annuity a State annuity or a retirement allowance granted under the provisions of this act shall be paid in equal monthly instalments and shall not be increased decreased revoked or repealed except as otherwise provided in this act Where an annuitant has heretofore died or shall hereafter die and there shall be due to the estate of such annuitant a sum less than one hundred dollars ($100) and letters testamentary or of administration have not been taken on the estate of such annuitant within six months of death the board may pay the amount due on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 10 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2794 (Senate Bill No. 888), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1451, as follows:

An Act making it unlawful to disseminate certain propaganda or statements concerning the race color creed or manner of worship of others

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the dissemination of propaganda or statements whether oral written or printed which subjects or is calculated to subject any group or groups of persons residing or being in this Commonwealth to shame hatred ridicule disgrace or contempt by reason of race color or creed or manner of worship is unlawful

Section 2 It is unlawful for any person firm corporation or association to send deliver mail or transmit to any person firm or corporation residing or being within this Commonwealth any letter document leaflet or other written or printed matter which subjects or is calculated or intended or likely to subject any group or groups of persons residing or being in this Commonwealth to shame hatred ridicule disgrace or contempt by reason of race color creed or manner of worship

Section 3 Any person firm corporation association violating any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to imprisonment not to exceed one year Any officer of such corporation or association and any member of board of directors trustees or other similar ruling board who violates any provision of this act or permits or acquiesces in the violation of any provision of this act by such corporation or association shall be guilty of a misdemeanor punishable in like manner.

Section 4 Should any provision or portion of this act for any reason be declared invalid such declaration shall not affect the balance of the act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1832, as follows:

An Act to further amend section thirty-six of the act approved the eleventh day of May one thousand nine hundred twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" by requiring all fines collected under the provisions of this act to be paid into the State Treasury through the Department of Revenue by the magistrate alderman or justice of the peace collecting such fines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirty-six of the act approved the eleventh day of May one thousand nine hundred twenty-one (Pamphlet Laws five hundred twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the

Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as amended by the act approved the fourteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred thirteen) is hereby further amended to read as follows

Section 36 Any person violating or failing or refusing to comply with any of the provisions of this act shall upon conviction in a summary proceeding before a magistrate alderman or justice of the peace be sentenced pay a fine of not less than five dollars nor more than one hundred dollars and costs of prosecution or to undergo imprisonment not exceeding thirty days or both

All fines collected under the provisions of this act shall be forthwith paid [to the county treasurer and by him paid] into the State Treasury through the Department of Revenue

Section 2 This act shall become effective on the first day of the month succeeding the date of its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2674, as follows:

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved eleventh day of July one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" by providing for the boarding out of certain patients in State mental hospitals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That the title of article six (a) of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998), entitled "For the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defecives and epilepics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" which was added thereto by the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (P. L. 431) is hereby amended to read as follows

ARTICLE VI (a)

COLONIES FOR AND BOARDING OUT OF MENTAL [DEFECTIVES] PATIENTS

Section 2 That article six (a) of the said act is hereby amended by adding thereto the following section

Sction 627 The superintendent and the board of trustees of any State mental hospital may by contract or otherwise arrange for the boarding out of such committed mental patients who have not criminal suicidal or homicidal tendencies who are not addicted to the use of alcohol or narcotics and who in the opinion of such superintendent and board of trusttts may be otherwise suitable Such arrangements shall be made only with the approval of and subject to regulations prescribed by the Department of Welfare

Such patients shall be deemed as remaining inmates of the State mental hospital and shall be considered on parole subject to return to the hospital should the condition of the patient or other circumstances in the opinion of the superintendent and the board of trustees makes such return necessary

Subject to the approval of the Department of Welfare such patients may if physically and mentally able earn the cost of their maintenance or a portion thereof by engaging in suitable employment Provided however That such patients who are physically or mentally or for economic reasons unable to earn the full cost of their maintenance shall be maintained in the manner now provided by law with regard to indigent patients committed to State mental hospitals

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1703, as follows:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Municipality Defined The word "municipality" as used in this act shall be construed to mean and include any city borough town or township of this Commonwealth

Motion Picture Exhibitions Defined The words "motion picture exhibitions" as used in this act shall be construed to mean any motion picture exhibitions or showings and sound motion picture exhibitions or showings together with any orchestral or other instrumental musical or mechanical accompaniment prelude playing or selection in connection therewith or incidental thereto

"Two O'clock Post Meridian" Defined The words "two o'clock post meridian" as used in this act shall be construed to mean "two" o'clock post meridian eastern standard time except during the period commencing the last Sunday in April and ending the last Saturday in September inclusive when such words shall be construed to mean two o'clock post meridian eastern daylight saving time provided that eastern daylight saving time is the customary time in common use in such municipality during such period

Section 2 Penalty for Unlawful Motion Picture Exhibitions on Sunday It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibition regardless of whether a charge of admission is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday before the hour of "two" o'clock post meridian

It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibitions regardless of whether a charge of admission thereto or incidental thereto is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian unless the voters of the municipality have first voted in favor of motion picture exhibitions on Sunday as hereinafter provided

Any person co-partnership association or corporation violating any of the provisions of this Section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding Fifty Dollars ($50.00) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any co-partnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than ten (10) days

Section 3 Referendum Statement of Question on Ballots At the municipal election in the year one thousand nine hundred and thirty-five (1935) there shall be submitted in the manner provided by the election laws of the Commonwealth a question to determine the will of the electors of each municipality in this Commonwealth with respect to motion picture exhibitions Such question shall be in the following form

Do you favor the conducting staging operating and exhibiting of motion pictures regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct stage operate or exhibit the same after two o'clock post meridian on Sunday	YES NO

The said question shall be printed in separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

Section 4 Returns and Computation of Votes The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the acting chief executive officer of each municipality within the county

If at the election in the year one thousand nine hundred and thirty-five (1935) as herein provided a majority of the electors in any municipality voting at said election vote in favor of motion picture exhibitions on Sunday after the hour of two o'clock post meridian then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in this section it shall thereafter be lawful to conduct stage manage operate or engage in motion picture exhibitions from and after the hours of two o'clock post meridian on Sunday

The right to conduct stage manage operate or engage in such motion picture exhibitions shall be subject only to those rules and regulations which govern motion picture exhibitions on days of the week other than Sunday

If the vote of the electors in the municipality was not in favor of motion picture exhibitions then it shall be unlawful to conduct stage manage operate or engage in such motion picture exhibitions to which an admission charge is made or is incidental after two o'clock post meridian on Sunday

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in five years be ascertained and the question as provided in Section 3 of this act shall be submitted to the electors of any municipality upon demand in writing of petitoners equal to at least five per centum (5%) of the highest vote cast for any office in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which are permitted motion picture exhibitions from and after two o'clock post meridian on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in Section four of this act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock post meridian on Sunday but if a majority of the electors in any such municipality which has not hitherto permitted such motion picture exhibitions after two o'clock post meridian on Sunday are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in Section 4 of this act such exhibitions shall thereafter be lawful

Section 6 Intent of Act It is the intent of this act to provide a method whereby the will of the electors of each municipality with respect to motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto after two o'clock post meridian on Sunday may be ascertained

Section 7 It shall be unlawful at any motion picture exhibition conducted or operated under the provisions of this act to provide any form of entertainment except the exhibition of motion pictures and sound motion pictures and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto and any person or any member or agent of any co-partnership or association or any member or officer of any corporation who shall provide or furnish or assist in providing or furnishing any other form of entertainment in such motion picture exhibitions shall be guilty of a misdemeanor and in the proper court shall be punished by a fine of not more than Fifty Dollars ($50.00) Each Sunday's providing furnishing conducting staging managing operating or engaging in furnishing any form of entertainment forbidden unde rthis act shall constitute a separate offense hereunder

Section 8 Constitutionality The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 Hunting and Fishing Nothing contained in this act shall relate to Sunday hunting and fishing or be construed as repealing any law relating thereto

Section 10 Repeal Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (Three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed insofar as it prohibits motion picture ex-

hibitions and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto

Section 11 Effective Date This act shall be effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. A number of members have complained of their inability to secure copies of House Bills Nos. 2436 and 2437, relating to beer and liquor control. These bills are now available and can be procured at the office of the Sergeant-at-Arms.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2775 (Senate Bill No. 752), as follows:

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every person applying for direct relief or work relief from any agency authorized by law to distribute or furnish such relief out of any moneys appropriated in whole or in part by the Commonwealth or by the Federal government and every person now receiving such relief shall be required to sign a statement setting forth his or her financial status and such other facts as may be required by the State Emergency Relief Board in order to determine whether such person is entitled to relief and shall also be required to sign as a part of his or her written application a bond to the Commonwealth without surety containing a warrant of attorney to confess judgment in the penal sum of five hundred dollars which bond shall be conditioned on the truth and lack of fraud and misrepresentation in any of the statements made by such applicant in his or her written application Every such applicant shall make affidavit that the facts set forth in such statement are true and correct Any person employed in the distribution of unemployment relief shall have power to administer oaths for the purpose of carrying into effect the provisions of this act

Section 2 Every person giving any wilfully false information in any such statement shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars or suffer imprisonment for not more than six months or both in the discretion of the court and shall also be sentenced to make restitution of any moneys received by reason of any such false statement In case such moneys are not restored proceedings may be had on the bond herein provided for

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161

Alexander,	Finnerty,	McHenry,	Shortz,
Altenburg,	Flanagan,	McKinney,	Siegel,
Arnold,	Flynn,	Melchiorre,	Simon,
Atkins,	Forrest,	Mentzer,	Simpson,
Aukerman,	Furman,	Merrell,	Sinwell,
Baine,	Gates,	Moomaw,	Sloan,
Baker, F. T.,	Gerard,	Mooney,	Smith, J. A.,
Baker, J. J.,	Gillette,	Moore,	Smith, W. G.,
Baldi,	Green,	Muir,	Snyder, F. E.,
Bernhard,	Greenstein,	Murrin,	Snyder, J. L.,
Blumberg,	Habbyshaw,	Nagel,	Spangler,
Boose,	Haberlen,	Nothnagle,	Stewart,
Boyd, R.,	Hagerty,	O'Keefe,	Stockham,
Bradley,	Haluska,	Ominsky,	Stone,
Brancato,	Hamilton, R. S.,	O'Neill,	Sumney,
Brown, H. S.,	Harkins,	Panton,	Surface,
Brown, J. E.,	Hart,	Parks,	Terry,
Brownfield,	Hartman,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Trout,
Cannon,	Hindman,	Pearson,	Turner,
Carson,	Hoffner,	Perry,	Van Allsburg,
Castor,	Holstrom,	Peters,	Van Sickle,
Chervenak,	Horst,	Pfaff,	Walker,
Coakley,	Jackson,	Phillips,	Wall,
Cochran,	Jones,	Piole,	Wasserman,
Cohen,	Kane,	Powers,	Weidemann,
Coleman,	Kelder,	Reising,	Weiss,
Condon,	Kelso,	Rhys,	Welliver,
Conner,	Kilroy,	Rinn,	Welsh,
Coolahan,	Kinney,	Root,	Westrick,
Cordier,	Klingler,	Ruffennach,	White,
Davies,	Kobelak,	Ruth,	Wickersham,
Decker,	Long,	Scanlon,	Winner,
Denning,	Lovett,	Schrock,	Witkin,
Dilley,	Lynch,	Schrope,	Wood,
Downey, G. E.,	Male,	Schwab,	Woodside,
Downey, J. J.,	Mallen,	Schwartz,	Yeakel,
Duffort,	Mason,	Shaw,	Zimmerman,
Eroe,	McDevitt,	Shepard,	Sarig,
Ferko,	McElroy,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2513, as follows:

An Act providing for the incorporation as bodies corporate and politic of "Authorities" for counties defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and for other purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be cited as the "Counties Authorities Act of one thousand nine hundred and thirty-five"

Section 2 Definitions The following terms whenever used or referred to in this act shall have the following meanings except in those instances where the context clearly indicates otherwise

(a) The term "Authority" shall mean a body politic and corporate created pursuant to this act

(b) The term "Board" shall mean the governing body of an Authority

(c) The term "bonds" shall mean and include the notes bonds and other evidence of indebtedness or obligations which each Authority is authorized to issue pursuant to Section 4(i) of this act

(d) The term "commissioners" shall mean the board of county commissioners of any county other than counties of the first class

(e) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(f) The term "county" shall mean any county other than counties of the first class of the Commonwealth of Pennsylvania

(g) The term "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administrator of Public Works and any department of or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(h) The term "improvement" shall mean and include extension enlargment and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as may be deemed desirable

(i) The term "persons" shall mean and include natural persons

(j) The term "project" shall mean any structure facility or undertaking which an Authority is authorized to construct improve maintain or operate under the provisions of this act

Section 3 Method of Incorporation Whenever the county commissioners of any county other than counties of the first class shall desire to organize an Authority under this act they shall adopt a resolution signifying their intention to do so and setting forth in full the proposed articles of incorporation thereof Thereafter the county commissioners of such county shall cause a notice of such resolution to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county Said notice shall contain a brief statement of the substance of said resolution including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the county shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other authority organized under this act or under the Act approved December twenty-seven one thousand nine hundred and thirty-three Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen is in existence in or for the incorporating county

(d) The name of the incorporating county together with the names and addresses of its commissioners and the chief clerk of the board of county commissioners and

(e) The names addresses and terms of office of the first members of the board of said Authority

all of which matters shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating county by its commissioners and under its county seal and shall be acknowledged on behalf of such county by its commissioners

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall transmit the same to the Governor for his approval and if the Governor approves the articles a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

No Authority shall be formed in any county in which an Authority which shall have been organized under this act or under the Act approved December twenty-seven one thousand nine hundred and thirty-three Special Session one thousand nine hundred thirty-three Pamphlet Laws one hundred fourteen shall be in existence

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of constructing improving maintaining and operating bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities sewers sewer systems sewage treatment works swimming pools lakes and other related structures or facilities for public use and benefit or parts thereof (any and all the foregoing being herein called "projects") and every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual succession as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

provided however that the Authority shall have no power at any time or in any manner to pledge the credit or tax-

ing power of the Commonwealth of Pennsylvania or any of its counties or other political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its counties or political subivisions nor shall the Commonwealth of Pennsylvania or any county or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 5 Purposes and Powers Bond The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof and shall be of such series bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per cent per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability provileges be payable in such medium of payment and at such place or places be subject to such terms of redemption not exceeding one hundred five per cent of the principal amount thereof and be entitled to such priorities in the revenues or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupon or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth of Pennsylvania or any county or other political subdivision thereof) for such obligations or restricting the saem to all or any of the revenues of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of the project and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls and other charges for use of the facilities of or for the services rendered by the Authority (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

An Authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the Authority thereunder Such deed or trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any project and the duties of the Authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorder may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustees of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five perecentum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facilities of the Authority or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the Board might do any shall deposit all such moneys in a separate account and apply the same in such manner as the court shal direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursments allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary

or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Section 7 Governing Body The powers of each Authority shall be exercised by a governing body (herein called the "Board") of five members each of whom shall be a citizen of the county for which the Authority is created The commisioners of such county shall appoint the members of the Board one of whom shall serve for a year one for two years one for three years one for four years and one for five years from the January first next succeeding the date of incorporation Thereafter the commissioners shall at a meeting held at least a month prior to January first in each year in which a vacancy occurs appoint as a member of the Board a citizen of the county for which the Authority is created for a term of five years to succeed the member whose term expires on the January first next succeeding Members may succeed themselves and shall receive salaries as may be determined by th salary board of the county but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed provided that in counties having no salary such salaries shall be fixed by the county commissioners and the controller A member may be removed by the commissioners upon ten days' notice after giving him a copy of the charges against him and an opportunity to be heard in his own defense If a vacancy shall occur by reason of the death disqualification resignation or removal of a member the commissioners shall appoint a successor to fill his unexpired term

Three members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The Board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The Board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the county having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorizd and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems sewage treatment works lakes or other related structures or facilities or any part or parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project

Section 10 Completion in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The Board may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or surities approved by the Authority and in an amount fixed by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by and Federal agency that may assist in the financing of such project or any part thereof

Section 11 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act and such lands or interest in such lands may be so acquired whether or not the same are owned or held for public use by corporations associations or persons having the power or eminent domain or otherwise held or used for public purposes including land held for cemetery purposes The right or eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by counties of the same class as the county by which such Authority was organized

Section 12 Use of Projects The use of the facilities of the Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Authority Provided however That the Authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the Authority or violate any agreements with them or for their benefit

Section 13 Limitation of Powers The Commonwealth does hereby pledge to and agree with any person firm or corporation or Federal agency subscribing to or acquiring the bonds to be issued by the Authority for the construction extension improvement or enlargement of any project or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth of Pennsylvania does further pledge to and agree with the United States and any other Federal agency that in the event that any Federal agency shall construct or contribute any funds for the construction extension improvement

or enlargement of any project or any portion thereof the Commonwealth will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the Authority and any such Federal agency and the Authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof

Section 14 Termination of Authority When any Authority shall have finally paid and discharged all bonds which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the county When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against it it may convey all its property to the county and terminate its existence A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Comonwealth who if he approve shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the Board which shall cause the same to be recorded in the office of the recorder of deeds of the county Thereupon the property of said Authority shall pass to the county and the Authority shall cease to exist

Section 15 Exemption from Taxation The effectuation of the authorized purposes of Authorities created under this act and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since such Authorities will be performing essential governmental functions in effectuating such purposes such Authorities shall not be required to pay any taxes or assessments upon any property acquired or used by them for such purposes and the bonds issued by any Authority their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania

Section 16 Authorities Formed Under Other Acts Any Authority heretofore or hereafter created or organized under the provisions of an act approved December twenty-seven one thousand nine hundred thirty-three entitled "An act providing for the creation of public 'Authorities' in counties of the second class authorizing such 'Authorities' to enter into agreements with the Government of the United States particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with other defining and providing for the organization and dissolution of such 'Authorities' conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such 'Authorities' may exercise their powers endowing such 'Authorities' with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such 'Authorities' to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes" shall have and may exercise in addition to any rights powers or purposes granted or conferred by such act or any amendment thereto all the rights and powers granted to Authorities created under this act and the purposes specified in Section four of this act shall be included within the purposes of any Authority created or organized under the provisions of the aforesaid act and the rights powers and purposes herein described and conferred upon Authorities shall be cumulative with and not in limitation of the rights powers and purposes granted to or conferred upon such Authorities by any other act

Section 17 Constitutional Construction The provisions of this act shall be severable and if any of the provisions thereof shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 18 This act shall take effect immediately

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Dent,	Kilroy,	Reising,
Alexander,	Diehl,	Kinney,	Ruffennach,
Allen,	Dilley,	Klingler,	Ruth,
Andrews,	Downey, G. E.,	Kobelak,	Sarraf,
Arnold,	Downey, J. J.,	LaRue,	Scanlon,
Aukerman,	Eberharter,	Long,	Schrope,
Baine,	Eroe,	Lovett,	Schwab,
Baker, J J.,	Falkenstein,	Lynch,	Schwartz,
Barber,	Finnerty,	Male,	Shaw,
Barnhardt,	Fitch,	McDermott,	Shepard,
Bradley,	Flanagan,	McElroy,	Shugarts,
Brancato,	Flinchbaugh,	McHenry,	Siegel,
Brown, H. S.,	Forrest,	Melchiorre,	Simon,
Brown, J. E.,	Furman,	Mentzer,	Sinwell,
Brownfield,	Gates,	Moomaw,	Smith, J. A.,
Brumbaugh,	Gerard,	Mooney,	Smith, W. G.,
Burke,	Gillette,	Moran,	Stank,
Cannon,	Green,	Munley,	Stevens,
Caputo,	Haberlen,	Murrin,	Sumney,
Carson,	Hagerty,	Nagel,	Tronzo,
Chervenak,	Haluska,	O'Keefe,	Tumelty,
Coakley,	Hamilton, F. P.,	Ominsky,	VanSickle,
Cochran,	Harkins,	O'Neill,	Walker,
Cohen,	Harmuth,	Panton,	Weiss,
Coleman,	Hartman,	Patterson, C.,	Welliver,
Conner,	Hetrick,	Patterson, J. W.,	Welsh,
Coolahan,	Hindman,	Pearson,	Westrick,
Cordier,	Hirsch,	Pfaff,	Yourishin,
Davies,	Holstrom,	Piole,	Zappala,
Decker,	Hoopes,	Powers,	Sarig,
Denning,	Kelso,		

NAYS—36

Baker, F. T.,	Muir,	Sowers,	Turner,
Flynn,	Nothnagle,	Spangler,	Wall,
Habbyshaw,	Perry,	Sproul,	Weidemann,
Hoffner,	Peters,	Stewart,	Wickersham,
Kane,	Schrock,	Stockham,	Winner,
Linderman,	Simpson,	Surface,	Wood,
McDevitt,	Sloan,	Tahl,	Woodside,
McKinney,	Snyder, F. E.,	Terry,	Yeakel,
Moore,	Snyder, J. L.,	Trout,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 553, as follows:

An Act relating to lynching making members of a mob and accessories thereto when death results guilty of murder providing for the enforcement of this act by district attorneys the Attorney General and prosecutors designated by the Governor fixing civil liabilities in such cases and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Mobs and Lynching Defined A collection of people assembled for the purpose and with the intention of committing an assault or battery upon any person and without authority of law shall be deemed a "mob" for the purpose of this act and any act

of violence by a mob upon the body of any person which shall result in the death of such person shall constitute a "lynching" within the meaning of this act

Section 2 Lynching Deemed Murder The lynching of any person within this State by a mob shall be deemed murder and any and every person composing a mob and any and every accessory thereto by which any person is lynched shall be guilty of murder and upon conviction shall be punished as provided by law in the case of murder

Section 3 Duty of District Attorney in County Where Lynching Occurred It shall be the duty of the district attorney of any county in which a lynching may occur to promptly and diligently endeavor to ascertain the identity of the persons who in any way participated therein or who composed the mob which perpetrated the same and have them apprehended and to promptly proceed with the prosecution of any and all persons so found and to the end that such offenders may not escape proper punishment such district attorney may be assisted in all such endeavors and prosecutions by the Attorney General or other prosecutors designated by the Governor for the purpose and the Governor shall have full authority to spend such sums as he may deem necessary for the purpose of seeking out the identity and apprehending the members of such guilty mob

Section 4 Civil Liability for Lynching Nothing herein contained shall be construed to relieve any member of any such mob from civil liability to the relatives and personal representatives of the victim of such lynchings

Section 5 Persons Suffering Death from Mob Attempting to Lynch Another Person Any person suffering death from a mob attempting to lynch another person shall come within the provisions of this act and his personal representatives shall be entitled to relief in the same manner and to the same extent as if he were the originally intended victim of such mob

Section 6 Effect on Existing Laws This act does not repeal any of the provisions of the act approved the nineteenth day of May one thousand nine nundred and twenty-three (Pamphlet Laws two hundred eighty-three) entitled "An act to assure to persons within the jurisdiction of every county the equal protection of the laws by providing for their removal from the county and their trial in certain criminal cases by a court of quarter sessions of the peace or oyer and terminer of another county imposing penalties upon the counties and officers thereof for failure to provide proper protection and upon individuals for interfering with or obstructing the carrying out of the provisions of this act and imposing certain duties upon the Superior Court" nor any other law of this Commonwealth prohibiting lynching or protecting persons or property from mob violence

Section 7 Effective Date The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161

Alexander,	Falkenstein,	Mallen,	Shugarts,
Altenburg,	Finnerty,	McDermott,	Siegel,
Arnold,	Fitch,	McDevitt,	Simon,
Atkins,	Flanagan,	McElroy,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barnhardt,	Gillette,	Mooney,	Snyder, J. L.,
Bernhard,	Green,	Moore,	Sowers,
Blumberg,	Habbyshaw,	Moran,	Spangler,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Sumney,
Brennan,	Harkins,	Ominsky,	Surface,
Brown, H. S.,	Harmuth,	Panton,	Terry,
Brown, J. E.,	Hartman,	Patterson, C.,	Tronzo,
Brownfield,	Hefferon,	Patterson, J. W.,	Trout,
Brumbaugh,	Hermansen,	Pearson,	Turner,
Cannon,	Hetrick,	Perry,	Van Allsburg,
Caputo,	Hirsch,	Pfaff,	Van Sickle,
Carson,	Hoffner,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Cochran,	Horst,	Reising,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Root,	Welsh,
Coolahan,	Kilroy,	Ruffennach,	Westrick,
Cordier,	Kinney,	Ruth,	White,
Davies,	Klingler,	Sarraf,	Wickersham,
Decker,	Kobelak,	Scanlon,	Winner,
Denning,	LaRue,	Schrock,	Witkin,
Dilley,	Linderman	Schrope,	Wood,
Downey, G. E.,	Long,	Schwab,	Woodside,
Downey, J. J.,	Lovett,	Shaw,	Yeakel,
Duffort,	Lynch,	Shepard,	Zimmerman,
Eberharter,	Male,	Shortz,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 878, as follows:

An Act to amend section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended further regulating the sending of notice to correspondents in certain divorce actions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended by section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand twenty) is hereby further amended to read as follows

Section 38 Notice to Corespondents In any case for divorce on the ground of adultery the libellant shall cause to be served personally or by registered mail addressed to the last known post office address a notice on any corespondent named and identified in the libel and where such corespondent is named and identified first in the testimony then such notice shall be given by the libellant or his attorney of record before the testimony is closed and an opportunity afforded such corespondent to be heard A notice sent by registered mail addressed to the last known post office address of the corespondent shall be equivalent to personal service of the notice Such notice shall set forth that such person was named in the proceedings as corespondent and designate the time and place of hearing or further hearing and shall be served at least ten days previous to the hearing or further hearing Proof of the personal service of such notice or the mailing of such notice to the last known post office address of the corespondent shall be filed in the office of the prothonotary

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161

Achterman,	Fitch,	McElroy,	Simpson,
Allen,	Flanagan,	McKinney,	Sinwell,
Andrews,	Flinchbaugh,	Melchiorre,	Sloan,
Arnold,	Flynn,	Merrell,	Smith, J. A.,
Aukerman,	Forrest,	Moomaw,	Smith, W. G.,
Baine,	Furman,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moore,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moran,	Sowers,
Baldi,	Gillette,	Muir,	Spangler,
Barnhardt,	Green,	Murrin,	Stank,
Blumberg,	Habbyshaw,	Nagel,	Stewart,
Boose,	Haberlen,	O'Keefe,	Stockham,
Boyd, R.,	Haluska,	Ominsky,	Stott,
Boyer,	Hamilton, F. P.,	Panton,	Sumney,
Bradley,	Harkins,	Patterson, C.,	Surface,
Brancato,	Harmuth,	Patterson, J. W.,	Tahl,
Brown, H. S.,	Hart,	Pearson,	Terry,
Brown, J. E.,	Hefferon,	Perry,	Trout,
Brownfield,	Hermansen,	Peters,	Turner,
Brumbaugh,	Hetrick,	Pfaff,	Van Allsburg,
Burke,	Hindman,	Phillips,	Van Sickle,
Caputo,	Hirsch,	Piole,	Walker,
Carr,	Holstrom,	Powers,	Wall,
Carson,	Hoopes,	Reising,	Wasserman,
Chervenak,	Jackson,	Reynolds,	Weidemann,
Cochran,	Kane,	Root,	Weiss,
Cohen,	Kelder,	Ruffennach,	Welliver,
Coleman,	Kelso,	Ruth,	Welsh,
Conner,	Kilroy,	Sarraf,	Westrick,
Cordier,	Kinney,	Saulon,	White,
Davies	Klingler,	Schrock,	Wickersham,
Decker,	Kobelak,	Schrope,	Winner,
Denning,	Linderman,	Schwab,	Witkin,
Downey, G. E.,	LaRue,	Schwartz,	Wood,
Downey, J. J.,	Long,	Shaw,	Woodside,
Duffort,	Male,	Shepard,	Yeakel,
Eberharter,	Mallen,	Shortz,	Yourishin,
Falkenstein,	Mason,	Shugarts,	Zappala,
Ferko,	McDermott,	Siegel,	Zimmerman,
Finnerty,	McDevitt,	Simon,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. CONDON. Mr. Speaker, I desire to call up at this time House Bill No. 2037, Printer's No. 962, on page 26 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. CONDON.

The House resumed the consideration on final passage of House Bill No. 2037, entitled:

An Act to amend section eighteen of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly."

On the question recurring,

Shall the bill pass finally?

Mr. BLUMBERG. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Condon.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Condon, permit himself to be interrogated?

Mr. CONDON. I will, Mr. Speaker.

Mr. BLUMBERG. Will the gentleman from Philadelphia, Mr. Condon, kindly explain to the House what changes this proposed bill makes in the existing law?

Mr. CONDON. Mr. Speaker, The real purpose of the bill in question is to afford relief to the present distressed real estate owners from the excessive costs which are added to the unpaid taxes and municipal claims due by them when the taxes and claims in question are $50 or less.

Under the law which now is in effect, a city or municipality must advertise the tax or municipal claim in one newspaper and in one legal periodical in order to maintain the lien on the real estate affected. The cost of advertising the claim in the city of Philadelphia is between $20 and $30 and this amount is added to the tax or claim. No one receives the benefit of this advertising other than the newspapers. The city or municipality must pay out the money and in many cases must wait a long number of years before ever recovering the money. In some instances a claim of $3 or $4 for repairing a sidewalk or a claim for taxes amounting to $10 or $15 amounts up to $40 or $50 within the course of two or three years due to the necessity of advertising the claim in the newspapers.

The bill introduced by Mr. Condon provides that judgment can be taken on a sci. fa. issued on such claims sixty days after the claim is posted by the sheriff on the property affected by the tax or municipal claim. Under the present law this posting must be done and then the claim must be advertised in the newspapers.

The Condon Bill provides that when the claim is $50 or less the posting is to be sufficient and the claim need not be advertised. Needleess to say, the legislation in question will bring great relief to the small property owner who receives no benefit from the advertisement, and is also favored by every department of the city of Philadelphia.

It might also be stated that the advertising in the newspapers is never read by any individual but is spread over three or four sheets of the newspapers that would take a person a half day in order to find any particular item. The city of Philadelphia pays out around $100,000 per year for advertising and often has to wait years before they recover the same.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—161

Achterman,	Finnerty,	McHenry,	Sinwell,
Allen,	Fitch,	Melchiorre,	Sloan,
Altenburg,	Flinchbaugh,	Mentzer,	Smith, J. A.,
Andrews,	Forrest,	Merrell,	Smith, W. G.,
Arnold,	Furman,	Moomaw,	Snyder, F. E.,
Atkins,	Gates,	Mooney,	Snyder, J. L.,
Aukerman,	Gerard,	Moore,	Sowers,
Baker, F. T.,	Green,	Moran,	Spangler,
Baker, J J.,	Habbyshaw,	Muir,	Stank,
Baldi,	Haberlen,	Murrin,	Stewart,
Barnhardt,	Hagerty,	Nagel,	Stockham,
Bernhard,	Haluska,	Nothnagle,	Stott,
Blumberg,	Hamilton, F. P.,	O'Keefe,	Sumney,
Boose,	Harkins,	Ominsky,	Surface,

Boyd, R.,	Harmuth,	Panton,	Tahl,
Bradley,	Hart,	Parks,	Tronzo,
Brancato,	Hermansen,	Patterson, C.,	Trout,
Brennan,	Hetrick,	Patterson, J. W.,	Tumelty,
Brown, H. S.,	Hindman,	Pearson,	Turner,
Brownfield,	Hirsch,	Perry,	Van Allsburg,
Burke,	Hoffner,	Peters,	Van Sickle,
Cannon,	Holstrum,	Pfaff,	Walker,
Caputo,	Hoopes,	Phillips,	Wall,
Carr,	Horst,	Piole,	Wasserman,
Carson,	Jones,	Powers,	Weidemann,
Chervenak,	Kelder,	Reising,	Weiss,
Cochran,	Kelso,	Root,	Welliver,
Cohen,	Kilroy,	Ruffennach,	Welsh,
Coleman,	Kinney,	Ruth,	Westrick,
Conner,	Klingler,	Sarraf,	White,
Cordier,	Kobelak,	Scanlon,	Wickersham,
Davies,	LaRue,	Schrock,	Winner,
Decker,	Linderman,	Schrope,	Witkin,
Denning,	Long,	Schwab,	Wood,
Dent,	Lynch,	Schwartz,	Woodside,
Downey, G. E.,	Male,	Shaw,	Yeakel,
Downey, J. J.,	Mallen,	Shortz,	Yourishin,
Duffort,	Mason,	Shugarts,	Zappala,
Eberharter,	McDermott,	Siegel,	Zimmerman,
Falkenstein,	McDevitt,	Simpson,	Sarig,
Ferko,	McElroy,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2302, entitled:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—181

Achterman,	Finnerty,	McDermott,	Shugarts,
Alexander,	Fitch,	McDevitt,	Siegel,
Allen,	Flanagan,	McElroy,	Simon,
Altenburg,	Flinchbaugh,	McHenry,	Simpson,
Arnold,	Flynn,	McKinney,	Sinwell,
Atkins,	Forrest,	Melchiorre,	Sloan,
Aukerman,	Furman,	Mentzer,	Smith, J. A.,
Baine,	Gates,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Habbyshaw,	Moran,	Spangler,
Bernhard,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stott,
Bradley,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brancato,	Harkins,	Ominsky,	Surface,
Brennan,	Harmuth,	O'Neill,	Tahl,
Brown, H. S.,	Hart,	Panton,	Terry,
Brown, J. E.,	Hefferon,	Parks,	Tronzo,
Brownfield,	Hermansen,	Patterson, C.,	Trout,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tumelty,
Burke,	Hindman,	Pearson,	Turner,
Cannon,	Hirsch,	Perry,	Van Allsburg,
Caputo,	Hoffner,	Peters,	Van Sickle,
Carr,	Holstrom,	Pfaff,	Walker,
Carson,	Hoopes,	Phillips,	Wall,
Chervenak,	Horst,	Piole,	Wasserman,
Cochran,	Jackson,	Powers,	Weidemann,
Cohen,	Jones,	Reising,	Welliver,
Coleman,	Kane,	Reynolds,	Welsh,
Conner,	Kelder,	Rhys,	Westrick,
Coolahan,	Kilroy,	Root,	White,
Davies,	Kinney,	Ruffennach,	Wickersham,
Decker,	Klingler,	Ruth,	Winner,
Diehl,	Kobelak,	Sarraf,	Witkin,
Dilley,	LaRue,	Scanlon,	Wood,
Downey, G. E.,	Linderman,	Schrock,	Woodside,
Downey, J. J.,	Long,	Schrope,	Yeakel,
Duffort,	Lovett,	Schwab,	Yourishin,
Eberharter,	Lynch,	Schwartz,	Zappala,
Eroe,	Male,	Shaw,	Zimmerman,
Falkenstein,	Mallen,	Shepard,	Sarig,
Ferko,	Mason,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1595, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-oe and providing certain exceptions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—181

Alexander,	Eroe,	McDevitt,	Siegel,
Allen,	Falkenstein,	McElroy,	Simon,
Altenburg,	Ferko,	McKinney,	Simpson,
Andrews,	Finnerty,	Melchiorre,	Sinwell,
Arnold,	Fitch,	Mentzer,	Sloan,
Atkins,	Flanagan,	Merrell,	Smith, J. A.,
Aukerman,	Flinchbaugh,	Moomaw,	Smith, W. G.,
Baine,	Flynn,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Forrest,	Moore,	Snyder, J. L.,
Baker, J. J.,	Furman,	Moran,	Sowers,
Baldi,	Gates,	Muir,	Spangler,
Barnhardt,	Gerard,	Munley,	Stank,
Bernhard,	Gillette,	Murrin,	Stewart,
Blumberg,	Green,	Nagel,	Stockham,
Boose,	Habbyshaw,	Nothnagle,	Stott,
Boyd, R.,	Haberlen,	O'Keefe,	Sumney,
Boyer,	Hagerty,	Ominsky,	Surface,
Bradley,	Haluska,	O'Neill,	Tahl,
Brancato,	Hamilton, F. P.,	Panton,	Terry,
Brennan,	Hamilton, R. S.,	Parks,	Tronzo,
Brown, J. E.,	Harkins,	Patterson, C.,	Trout,
Brownfield,	Harmuth,	Patterson, J. W.,	Tumelty,
Brumbaugh,	Hartman,	Pearson,	Turner,
Burke,	Hermansen,	Perry,	Van Allsburg,
Caputo,	Hetrick,	Peters,	Van Sickle,
Carr,	Hirsch,	Pfaff,	Walker,
Carson,	Hoffner,	Phillips,	Wall,
Castor,	Holstrom,	Piole,	Wasserman,
Chervenak,	Hoopes,	Powers,	Weidemann,
Cochran,	Horst,	Reising,	Weiss,
Cohen,	Jones,	Reynolds,	Welliver,
Coleman,	Kane,	Rhys,	Welsh,
Condon,	Kelder,	Root,	Westrick,
Conner,	Kelso,	Ruffennach,	White,
Coolahan,	Kinney,	Ruth,	Wickersham,
Cordier,	Klingler,	Sarraf,	Wilson,
Davies,	Kobelak,	Scanlon,	Winner,
Decker,	LaRue,	Schrock,	Witkin,

Denning,	Linderman,	Schrope,	Wood,
Diehl,	Long,	Schwab,	Woodside,
Dilley,	Lynch,	Schwartz,	Yeakel,
Downey, G. E.,	Male,	Shaw,	Yourishin,
Downey, J. J.,	Mallen,	Shepard,	Zappala,
Duffort,	Mason,	Shortz,	Zimmerman,
Eberharter,	McDermott,	Shugarts,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2566, entitled:

An Act to further amend section fifteen of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (P. L. 1311), entitled "An act providing for the establishment of a State Industrial Home for Women authorizing the purchase of a site and the erection thereon and equipment of necessary buildings providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years convicted of or pleading guilty to the commission of any criminal offense and providing for the government and management of said institution and making an appropriation to carry out the purposes of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twenty-four years of age

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—181

Achterman,	Falkenstein,	Mason,	Shugarts,
Alexander,	Ferko,	McCreary,	Siegel,
Altenburg,	Finnerty,	McDermott,	Simon,
Andrews,	Fitch,	McDevitt,	Simpson,
Arnold,	Flanagan,	McElroy,	Sinwell,
Atkins,	Flinchbaugh,	McKinney,	Sloan,
Aukerman,	Flynn,	Melchiorre,	Smith, J. A.,
Baine,	Forrest,	Mentzer,	Smith, W. G.,
Baker, F. T.,	Furman,	Merrell,	Snyder, F. E.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, J. L.,
Baldi,	Gerard,	Mooney,	Sowers,
Barber,	Green,	Moore,	Spangler,
Barnhardt,	Habbyshaw,	Moran,	Sproul,
Bernhard,	Haberlen,	Muir,	Stank,
Blumberg,	Hagerty,	Munley,	Stevens,
Boose,	Haluska,	Murrin,	Stewart,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stott,
Bradley,	Harkins,	O'Keefe,	Sumney,
Brancato,	Hart,	Ominsky,	Surface,
Brennan,	Hefferon,	O'Neill,	Tahl,
Brown, H. S.,	Hermansen,	Panton,	Terry,
Brown, J. E.,	Hetrick,	Patterson, C.,	Trout,
Brownfield,	Hindman,	Patterson, J. W.,	Turner,
Brumbaugh,	Hirsch,	Pearson,	VanAllsburg,
Burke,	Hoffner,	Perry,	VanSickle,
Cannon,	Holstrom,	Pfaff,	Walker,
Caputo,	Hoopes,	Phillips,	Wall,
Carr,	Horst,	Piole,	Wasserman,
Carson,	Jackson,	Powers,	Weidemann,
Castor,	Jones,	Reising,	Weiss,
Chervenak,	Kane,	Reynolds,	Welliver,
Coakley,	Kelder,	Rhys,	Welsh,
Cohen,	Kelso,	Root,	Westrick,
Coleman,	Kilroy,	Ruffennach,	White,
Condon,	Kinney,	Ruth,	Wickersham,
Cordier,	Klinger,	Sarraf,	Winner,
Davies,	Kobelak,	Scanlon,	Witkin,
Decker,	LaRue,	Schrock,	Wood,
Denning,	Linderman,	Schrope,	Woodside,
Dent,	Long,	Schwab,	Yeakel,
Diehl,	Lovett,	Schwartz,	Yourishin,
Dilley,	Lynch,	Shaw,	Zappala,
Downey, G. E.,	Male,	Shepard,	Zimmerman,
Downey, J. J.,	Mallen,	Shortz,	Sarig,
Duffort,			
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2176, entitled:

An Act to amend section two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriations Acts page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the City of Chester a monument to the memory of John Morton and making an appropriation" as amended by reducing the amount of the state appropriation and the amount required to be raised by citizens and reappropriating to the Department of Property and Supplies the appropriation as so reduced

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Harkins,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	VanAllsburg,
Carson,	Hoffner,	Pfaff,	VanSickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2601 as follows:

An Act to amend sections two and four of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred fifteen) entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as 'Bucktail State Park' and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two and four of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred fifteen) entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as 'Bucktail State Park' and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" are hereby amended to read as follows

Section 2 The Department of Forests and Waters of the Commonwealth shall have full control and supervision of the public lands and control over other lands over which it may hereafter obtain control under the provisions of this act in accordance with control rights granted within the area hereinbefore dedicated as a public park and pleasure-ground with power to adopt and carry into effect plans for the improvement preservation and use thereof The department may enforce such rules and regulations not inconsistent with the laws of this Commonwealth including provisions for the use and operation of motor vehicles therein as it may make for the protection of life and property the maintenance of good order the protection and improvement of the park and the carrying into effect of the full and proper use of said property as a State park and pleasure-ground

Section 4 The Department of Forests and Waters is further authorized and empowered to acquire by gift or for nominal consideration from persons owning property within the limits of the territory hereinbefore dedicated and set apart as a public park and from others control rights or the right to limit and prescribe the uses to which such privately owned property may hereafter be put by the owners [thereof particularly] to the extent which the owners thereof shall be willing to grant but no such control rights shall be accepted unless they include at least a surrender of control in the following particulars (a) the right to sell or service travelers tourists recreationists campers or seasonable dwellers (b) the right to prohibit or limit the placing on such properties of billboards or any form of outdoor advertising except such as advertises merchandise or services sold at roadside inns hotels stores and service stations thereon and (c) the right to remove or enforce the removal of abandoned or dilapidated and neglected buildings which have become nuisances All deeds conveyances or agreements of any kind secured by or entered into by the department for the purpose of carrying out the provisions of this section shall be subject to the approval of the Department of Justice.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	VanAllsburg,
Carson,	Hoffner,	Pfaff,	VanSickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffenach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1204 entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,

Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	VanAllsburg,
Carson,	Hoffner,	Pfaff,	VanSickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2309 entitled:

A Joint Resolution proposing an amendment to section one article eighteen of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	Van Allsburg,
Carson,	Hoffner,	Pfaff,	Van Sickle,
Castor,	Holstrum,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2427, entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,

Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	Van Allsburg,
Carson,	Hoffner,	Pfaff,	Van Sickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1896, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor distrist hospitals

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	Van Allsburg,
Carson,	Hoffner,	Pfaff,	Van Sickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2359 as follows:

An Act Providing for the creation of public "Authorities" in counties of the first class authorizing such "Authorities" to enter into agreements with the Government of the United States particularly as they relate to the National Industry Recovery Act and any amendment and supplements thereto and the Emergency Relief Appropiation Act of one thousand nine hundred thirty-five the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with others defining and providing for the organization and dissolution of such "Authorities" conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such "Authorities" may exercise their powers endowing such "Authorities" with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such "Authorities" to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of the first class of this Commonwealth there is hereby created a body corporate and politic to be known as the "Authority" of said county (hereafter in this act called the "Authority") provided however that such "Authority" shall not become operative nor transact any business until and unless the Governor of the Commonwealth shall declare its creation and appoint and designate the members thereof as in this act herein prescribed Such "Authority" shall constitute a public body corporate and politic of said county for the public purposes herein set forth and shall exercise an essential governmental function in effectuating such purposes and to that end such "Authority" shall be endowed with and is hereby granted the following powers to-wit

(a) To construct maintain and operate subways trolley lines water works sewer systems and sewage treatment works sewerage disposal plants public buildings bridges tunnels streets highways traffic distribution centers traffic circles airports hangars parkways recreation grounds and facilities public parks and facilities playgrounds and recreation centers and facilities swimming pools lakes dams and parts of any of said projects and improvements thereof and additions thereto on land belonging to the City or leased to it by the City of Philadelphia and to charge and collect fees tolls rentals and charges in connection

with any or all of said structures projects additions or improvements and any or all parts thereof the proceeds therefrom to be used for the purpose of maintaining and operating the same and of repaying to the United States Government and to others any and all monies and interest thereon which may have been borrowed therefrom in connection with the purposes for which said "Authority" was created as same may be due and payable

(b) To enter into any contract or contracts with any street railway company telegraph company telephone company or other corporation or person or persons desiring to make use of any of the projects constructed or maintained pursuant to the purposes for which said "Authority" has been created and under the provisions of this act for the concurrent use of such portion of any of said projects as shall not substantially impair or restrict the public use and enjoyment thereof upon such rates terms and conditions as shall be agreed upon or to charge tolls or rentals for such special use provided however that such rates terms and conditions shall in no instance be less than the rates terms and conditions paid and met for like rights service and privileges within said county

(c) To construct and maintain or to lease the right to construct and maintain roads highways bridges tunnels water mains for park purposes where none is now provided and available and other mechanical equipment and appliances appropriate proper and necessary in connection with the construction operation and use of the aforementioned projects by the public on over under along across or through any land and between any points which may be necessary for the construction and maintenance of such projects and the carrying out of the purposes for which said "Authority" is created

(d) To continue as a body corporate and politic for the time specified in this act

(e) To sue and be sued complain and defend in its own name

(f) To have a corporate seal which may be altered at pleasure and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced

(g) To purchase take receive leave as lessee take by gift devise or bequest or otherwise acquire and to own hold use and otherwise deal with any real or personal property or any interest therein situated in the county in which said "Authority" is created and set up which may be appropriate to enable it to accomplish fully and properly its purpose or purposes

(h) To sell and convey lease as lessor and otherwise dispose of all or any part of its property and assets

(i) To borrow money for any or all of the purposes for which it is organized to issue its promissory notes bonds or other forms of certificates of indebtedness with interest as evidence thereof and to secure any of its obligations by mortgage pledge or deed of trust of or on any of its property franchises and income

(j) To enter into any obligation necessary for the transaction of its ordinary affairs

(k) To have and exercise all of the powers and means necessary or essential to effect the purpose of purposes for which the "Authority" is organized

(l) To have and exercise the right and power of eminent domain for the acquisition of real property (the title thereto so acquired being title in fee simple) necessary for and in connection with the business of the "Authority" and for the purposes for which it was created but not to assess levy or collect any taxes of any kind or nature or for any purpose whatsoever specifically to borrow from the Government of the United States or others funds for the construction maintenance and operation of the projects for which said "Authority" shall have been created and to issue its negotiable bonds or other obligations secured by mortgage and trust deed given therefor and to provide for the rights of the holders thereof

(m) To elect a chairman vice-chairman secretary and treasurer and to adopt suitable by-laws for the management of its affairs The Secretary and treasurer need not be member or members of the "Authority"

(n) To appoint and designate such officers agents and employees as it may require for the performance of its duties and fix and determine their qualifications duties and compensations

(o) To make rules and regulations for the management and regulation of its affairs

(p) To enter upon any lands waters and premises within the county in which said "Authority" is created and set up for the purpose of making surveys soundings and examinations

(q) To determine the exact location system and character of and all other matters in connection with any and all improvements or facilities which it may be authorized to own construct establish effectuate operate or control

(r) To exercise such other powers not inconsistent with the Constitution of this Commonwealth or of the United States which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers except the power to levy taxes or assessments and except to incur any debt for which county shall be liable and generally to exercise in connection with its property and affairs and in connection with property within its control any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs

(s) To dissolve and wind up the "Authority" and specifically when as and if all indebtedness to the United States and all other proper and lawful indebtedness of the "Authority" shall have been fully paid it shall be the duty of the "Authority" through appropriate action of its officers and members to convey and transfer in fee simple free and clear of all debts liens encumbrances and obligations whatsoever to the county in which said "Authority" shall have been created and set up all of the projects improvements structures and operations constructed erected acquired or maintained by said "Authority" during the period of its corporate existence and any and all monies contract bills and notes receivable leases franchises and all other property whether real or personal of the "Authority" to render to said county by its proper officers full and complete account of all the transactions and business of the "Authority" and to dissolve and wind up its affairs and thereafter cease entirely to exist

ARTICLE II

Section 201 The Governor shall designate a County Committee hereinafter designated "Committee" composed of five citizens of said County who shall have the power to form an "Authority" of said County They shall adopt a resolution signifying their intention so to do

Section 202 The said Committee shall cause a notice of the resolution to be published at least one time in the legal periodical of the county in which the "Authority" is to be formed and at least one time in one newspaper of general circulation published in the county The said notice shall contain a brief statement of the substance of the resolution making reference to this act and shall state that on a day certain not less than three days after publication of the said notice articles of incorporation of the proposed "Authority" will be filed with the Secretary of the Commonwealth

Section 203 On or before the day fixed for the notice above provided for the Committee shall file with the Secretary of the Commonwealth articles of incorporation together with proof of the advertisement required by the preceding section If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the notices required by the preceding section endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles The articles upon being approved and filed by the Secretary of the Commonwealth shall constitute the charter of the "Authority"

Section 204 The articles of incorporation shall be executed and acknowledged by each member of said Committee

Section 205 The articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that an "Authority" is formed under this act

(c) The name of the incorporating county together with the names and addresses of said Committee

Section 206 Upon the issuance of the certificate of incorporation by the Secretary of the Commonwealth the "authority's" existence shall begin The certificate of incorporation shall be conclusive evidence of the fact that the "Authority" shall be incorporated but proceedings may be instituted by the Commonwealth to dissolve wind up and terminate an "Authority" which should not have been formed under this Act or which had been formed without a substantial compliance with the conditions prescribed by this act as precedent to incorporation

ARTICLE III

Section 301 The "Authority" shall consist of five members all of whom shall be citizens of this Commonwealth and of the county in which said "Authority" is created and set up and who shall be designated and appointed by the Governor All members shall continue to hold office until their respective successors are appointed and qualified

Section 302 The members shall have entire charge of the "Authoritys" property and affairs and shall for the purpose of doing business constitute a board but no action of the board shall be binding unless a majority of the members of the "Authority" shall vote in favor thereof

Section 303 The "Authorities" shall serve without pay

Section 304 Vacancies in the office of president vice-president secretary or treasurer caused other than by expiration of term shall be filled by election by the members of the "Authority" Vacancies in the membership of the "Authority" shall be filled by appointment by the Governor

ARTICLE IV

Section 401 If for any of its authorized purposes the "Authority" shall find it necessary or convenient to acquire or lease any real property in the county in which said "Authority" is created and set up whether for immediate or future use the "Authority" may find and determine that such property whether a fee simple absolute or a lesser interest is required for public use and upon such determination may have and may exercise the right and power of eminent domain to acquire the same However no property now or hereafter vested in or held by any county city borough township political subdivision or other municipality shall be taken by the "Authority" without the consent of such political subdivision or municipality unless expressly authorized by this act and neither shall any property of a public service company be taken except such property as can now be taken by the county commissioners under existing laws

If the "Authority" is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property in the county in which said "Authority" is created and set up for any reason whatsoever then the "Authority" may acquire such real property in the manner provided for the acquisition of such property by counties of the first class in the exercise of the right of eminent domain

The power of the "Authority" to acquire real property by condemnation or the exercise of the power of eminent domain in the county in which said "Authority" is created and set up shall be a continuing power and no exercise thereof shall be deemed to exhaust it

The "Authority" and its duly authorized agents and employees may enter upon any land in the county in which said "Authority" is created and set up for the purpose of making such surveys maps or other examinations thereof as it may deem necessary or convenient for its authorized purposes

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the "Authority" upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the "Authority" including real property already devoted to public use

The term "real property" as used in this act includes lands structures franchises and interests in land including lands under water and riparian rights and any and all things and rights usually included within the said term and includes not only fees simple absolute but also any and all lesser interests such as easements rights of way uses leases licenses and all other incorporeal hereditaments and every estate interest or right legal or equitable including terms of years and liens thereon by way of judgments mortgages or otherwise and also claims for damage to real estate

Section 402 All contracts shall be let and purchases made by the "Authority" in the manner now provided by law relating to contracts and purchases by county commissioners in counties of the first class

ARTICLE V

Section 501 Notwithstanding any provisions of this act the "Authority" shall have no power to pledge the credit of the Commonwealth of Pennsylvania or the credit of any county city borough township or other municipality of said Commonwealth or to create any debt of said Commonwealth or of such municipality county city borough or township and the bonds and debts of said "Authority" shall be a lien upon and payable solely from the assets and revenues of said "Authority"

Section 502 The "Authority" within sixty days after the first day of January each year shall cause a complete audit of its affairs to be made by a firm of certified public accountants approved by the county commissioners of the county in which said "Authority" is created and set up and shall furnish a copy thereof to the Governor and the Mayor of the City of Philadelphia the Federal Emergency Administration of Public Works and if desired to the trustee under any mortgage or deed of trust given to secure any bonds issued by the "Authority"

Section 503 Before entering upon the duties of office the treasurer of the "Authority" shall furnish a bond with at least one corporate surety or three individual sureties in an amount not less than one hundred per centume of the estimated amount of the largest sum which will probably be in the treasurer's hand at one time during the succeeding year Such bonds shall be conditioned for the safe-keeping of the moneys of the "Authority" and faithful performance of the treasurer's duties

In lieu of furnishing surety bond as above provided the treasurer may pledge with any bank trust company or bank and trust company in Pennsylvania which may be agreed upon securities to guarantee safe-keeping of the funds of the "Authority" and faithful performance of his or its duties The securities so pledged shall have a market value of not less than one hundred twenty per centum of the estimated amount of the largest sum which will probably be in the hands of the treasurer at one time during the succeeding year The "Authority" shall have the right to require the pledging of additional securities if and when the securities already pledged shall become depreciated below said value All securities so pledged shall be accompanied by proper assignments or powers of attorney for their transfer

ARTICLE VI

Section 601 The "Authority" is hereby authorized to make and enforce such rules and regulations and to establish levy and collect (or to authorize by contract franchise lease or otherwise the establishment levying and collection of) such tolls rents rates fees and other charges in connection with any properties which it may construct erect acquire own operate or control as it may deem necessary proper desirable and reasonable which said tolls rents rates fees and other charges shall be at least sufficient to meet the expenses thereof including the cost of maintenance and operation thereof and interest and sink-

ing fund or amortization charges as may be required by the Federal Emergency Administration of Public Works and the "Authority" is hereby authorized and empowered to pledge such tolls rates rents fees and other revenues or any part thereof either presently received or to be received in the future or both as security for the repayment with interest and taxes if any of any monies borrowed by it or advanced to it for any of its authorized purposes and as security for the satisfaction of any other obligation assumed by it in connection with such loans or advances

ARTICLE VII

Section 701 The Commonwealth of Pennsylvania and all municipalities and political subdivisions thereof so long as any bonds or other securities or obligations of the "Authority" remain outstanding and unpaid and unless and until adequate provision is made by law for the protection of those advancing money upon obligations shall not diminish or impair the power of the "Authority" to own operate or control its properties and facilities or to establish levy and collect tolls rents rates fees and other charges in connection with such properties or facilities

ARTICLE VIII

Section 801 The effectuation of its authorized purposes by the "Authority" is and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the "Authority" will be performing essention governmental functions in effectuating said purposes the "Authority" shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes and the bonds or other securities or obligations issued by the "Authority" their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania

ARTICLE IX

Section 901 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 902 All acts or parts of acts inconsistent herewith are hereby repealed

Section 903 This act shall become effective immediately upon the approval thereof by the Governor of this Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—156

Achterman,	Cordier,	Jones,	Rinn,
Alexander,	Davies,	Kelso,	Roan,
Allen,	Decker,	Kilroy,	Rooney,
Altenburg,	Denning,	Kinney,	Root,
Andrews,	Dent,	Klingler,	Ruffennach,
Arnold,	Diehl,	Kobelak,	Ruth,
Atkins,	Dilley,	LaRue,	Sarraf,
Aukerman,	Downey, G. E.,	Long,	Scanlon,
Baine,	Downey, J. J.,	Lovett,	Schrope,
Baker, F. T.,	Eberharter,	Lynch,	Schwab,
Baker, J J.,	Eroe,	Male,	Schwartz,
Baldi,	Falkenstein,	Mallen,	Shaw,
Barber,	Finnerty,	McCreary,	Shepard,
Barnhardt,	Fitch,	McDermott,	Shreiner,
Bernhard,	Flanagan,	McElroy,	Shugarts,
Blumberg,	Flinchbaugh,	McHenry,	Siegel,
Boose,	Furman,	Melchiorre,	Simon,
Boyd, R.,	Gates,	Mentzer,	Sinwell,
Boyer,	Gerard,	Moomaw,	Smith, J. A.,
Bradley,	Gillette,	Mooney,	Smith, W. G.,
Brancato,	Green,	Moran,	Sowers,
Brown, H. S.,	Greenstein,	Moul,	Stank,
Brown, J. E.,	Habbyshaw,	Munley,	Stevens,
Brownfield,	Haberlen,	Murrin,	Stott,
Brumbaugh,	Hagerty,	Nagel,	Sumney,
Burke,	Haluska,	O'Keefe,	Tronzo,
Cannon,	Hamilton, F. P.,	Ominsky,	Trout,
Caputo,	Harkins,	O'Neill,	Tumelty,
Carr,	Harmuth,	Panton,	Van Allsburg,
Carson,	Hartman,	Patterson, C.,	Van Sickle,
Castor,	Hefferon,	Patterson, J. W.,	Walker,
Chervenak,	Hermansen,	Pearson,	Weiss,
Coakley,	Hetrick,	Pfaff,	Welliver,
Cochran,	Hindman,	Phillips,	Welsh,
Cohen,	Hirsch,	Piole,	Westrick,
Coleman,	Holstrom,	Powers,	Yourishin,
Condon,	Hoopes,	Reising,	Zappala,
Conner,	Horst,	Reynolds,	Sarig,
Coolahan,	Jackson,	Rhys,	

NAYS—45

Brennan,	McDevitt,	Simpson,	Turner,
Duffort,	McKinney,	Sloan,	Wall,
Ferko,	Merrell,	Snyder, F. E.,	Weidemann,
Flynn,	Moore,	Snyder, J. L.,	White,
Forrest,	Muir,	Spangler,	Wickersham,
Hamilton, R. S.,	Nothnagle,	Sproul,	Winner,
Hart,	Parks,	Stewart,	Witkin,
Hoffner,	Perry,	Stockham,	Wood,
Kane,	Peters,	Surface,	Woodside,
Kelder,	Schrock,	Tahl,	Yeakel,
Linderman,	Shortz,	Terry,	Zimmerman,
Mason,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 672, entitled:

A Joint Resolution proposing an amendment to article nine section sixteen of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo
Burke,	Hermansen,	Patterson, J. W.,	Trout,

Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	VanAllsburg,
Carson,	Hoffner,	Pfaff,	VanSickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2482, entitled:

An Act to amend section seventy-four of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" as amended requiring the sentencing of women to the State Industrial Home instead of to State penitentiaries.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	VanAllsburg,
Carson,	Hoffner,	Pfaff,	VanSickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 292, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	VanAllsburg,
Carson,	Hoffner,	Pfaff,	VanSickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,

Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1899, entitled:

An Act authorizing and empowering cities of the first class to purchase or acquire by condemnation proceedings such real estate within the city limits as they may need upon which to erect or construct municipal buildings, fire engine houses, gas and electric light works and for playgrounds, public parks or other municipal purposes (other than laying out, opening, altering or maintaining roads, highways, streets or alleys), and within or without the city limits upon which to erect hospitals, water works and power houses, and for the purpose of a poor farm or farms or penal institutions, providing and regulating the procedure in purchase and condemnations, the right on the part of the city to rescind such condemnations, and governing the time and manner of taking possession.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hirsch,	Perry,	Turner,
Carr,	Hoffner,	Peters,	VanAllsburg,
Carson,	Holstrom,	Pfaff,	VanSickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Rinn,	Welsh,
Conner,	Kilroy,	Roan,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klinger,	Ruffennach,	Wickersham,
Davies,	Kobelak,	Ruth,	Winner,
Decker,	LaRue,	Sarraf,	Witkin,
Denning,	Linderman,	Scanlon,	Wood,
Dent,	Long,	Schrock,	Woodside,
Diehl,	Lovett,	Schrope,	Yeakel,
Dilley,	Lynch,	Schwab,	Yourishin,
Downey, G. E.,	Male,	Schwartz,	Zappala,
Downey, J. J.,	Mallen,	Shaw,	Zimmerman,
Duffort,			Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1534 (Senate Bill No. 42), entitled:

A Supplement to the act approved the eighteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred forty) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto" prescribing the practice to be pursued in such proceedings.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	Van Allsburg,
Carson,	Hoffner,	Pfaff,	Van Sickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,

Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2668, entitled:

An Act to amend section two hundred three of the act approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State Departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts", by making the moneys in the Banking Department Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shepard
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	VanAllsburg,
Carson,	Hoffner,	Pfaff,	VanSickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,
Condon,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Conner,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. TAHL. Mr. Speaker, I desire to call up at this time House Bill No. 79, Printer's No. 857, on page 24 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. TAHL,

The House resumed the consideration on final passage of House Bill No. 79, entitled:

An Act to amend paragraphs (a) and (b) of section three hundred and thirteen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties, and repealing existing laws," increasing the amount of reserve required of stock and mutual casualty insurance companies and exchanges for certain outstanding losses.

On the question recurring,

Shall the bill pass finally?

Mr. BURKE. Mr. Speaker and members of the House, this is a rather important bill and I think that all the members should be fully cognizant of the way the bill might operate in case it becomes a law. The bill suggests an increase in the amount of reserve which an insurance company must set up against each case in suit against the company. Now, under the present law reserves of casualty companies are calculated by figuring out

and computing a reserve against each case, depending upon the length of time the statement in the case has been filed. There is another method of computing the reserve and that is to take the earned premium during the three preceding years and take sixty-five percent of that earned premium. In most insurance companies this sixty-five percent of the earned premium exceeds the reserve that is computed on a case basis and the company is required to set up whichever of those two reserves is higher.

The bill increases the amount of reserve on each case, and I want to tell the members of this House that if this bill should become a law it will place the insurance law of Pennsylvania, so far as the reserves go, out of line with the insurance law of every state in the Union and because of retaliatory provisions in the insurance code of every state, it would mean that Pennsylvania would be injured in those states where they do business.

Mr. FLINCHBAUGH. Mr. Speaker, I would like to interrogate the sponsor of this bill, Mr. Tahl.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Tahl, permit himself to be interrogated?

Mr. TAHL. I will, Mr. Speaker.

Mr. FLINCHBAUGH. Mr. Speaker, I would like to ask the sponsor of this bill, Mr. Tahl, whether or not he would agree to refer this back to committee for further consideration.

Mr. TAHL. Mr. Speaker, I would not.

Mr. FLINCHBAUGH. Mr. Speaker and ladies and gentleman of the House, this bill was before the Insurance Committee for quite a long time. There are serious objections to this bill as stated by the former speaker. The forty-eight states today are operating in complete harmony along similar lines under the present act. This bill tends to amend the act of 1921. I want to repeat that the forty-eight states of the Union are today working in complete harmony under the present set-up and if we seek to amend this act, we feel sure that every state would pass retaliatory measures and it would upset the friendly co-operative relations which exist today among the several insurance departments of the forty-eight states of the United States.

I ask the members of this House to vote "no" on this measure.

Mr. TAHL. Mr. Speaker and members of the House, the purpose of this bill is for the protection of those persons who are injured in case of accident. A number of persons obtained adjustments and verdicts against defendants who were insured, but the insurance companies were unable to pay the claims because of the fact that they went into liquidation.

Now, this merely increases the reserve to the extent of twenty-five per cent. When we bear in mind that this reserve was set up in 1921, fourteen years ago and is the reserve at the present time, certainly an increase of twenty-five per cent in fourteen years is not a large amount.

The insurance companies that are in sound condition do not oppose this bill. The bill will reduce litigation. It will tend to settle claims promptly and those injured will not be obliged to hire lawyers and put their cases in court. This bill is intended to reduce rather than increase litigation. The reserve at the present time is so small that the insurance companies prefer to let their cases go into court rather than settle promptly. I think this is a fair bill and I think that the insurance companies that are in sound condition are satisfied with this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—22

Altenburg,	Long,	Scanlon,	Tumelty,
Blumberg,	Lovett,	Shepard,	Wasserman,
Carr,	Lynch,	Sowers,	Weidemann,
Flynn,	Mason,	Tahl,	Winner,
Hermansen,	Nothnagle,	Tronzo,	Sarig,
Jones,	Roan,		

NAYS—180

Achterman,	Downey, J. J.,	Male,	Schwab
Alexander,	Duffort,	Mallen,	Schwartz
Allen,	Eberharter,	McCreary,	Shaw,
Andrews,	Eroe,	McDermott,	Shortz,
Arnold,	Falkenstein,	McDevitt,	Shreiner,
Atkins,	Ferko,	McElroy,	Shugarts,
Aukerman,	Finnerty,	McHenry,	Siegel,
Baine,	Fitch,	McKinney,	Simon,
Baker, F. T.,	Flanagan,	Melchiorre,	Simpson,
Baker, J. J.,	Flinchbaugh,	Mentzer,	Sinwell,
Baldi,	Forrest,	Merrell,	Sloan,
Barber,	Furman,	Moomaw,	Smith, J. A.,
Barnhardt,	Gates,	Mooney,	Smith, W. G.,
Bernhard,	Gerard,	Moore,	Snyder, F. E.,
Boose,	Gillette,	Moran,	Snyder, J. L.,
Boyd, R.,	Green,	Moul,	Spangler,
Boyer,	Greenstein,	Muir,	Sproul,
Bradley,	Habbyshaw,	Munley,	Stank,
Brancato,	Haberlen,	Murrin,	Stevens,
Brennan,	Hagerty,	Nagel,	Stewart,
Brown, H. S.,	Haluska,	O'Keefe,	Stockham,
Brown, J. E.,	Hamilton, F. P.,	Ominsky,	Stott,
Brownfield,	Hamilton, R. S.,	O'Neill,	Sumney,
Brumbaugh,	Harkins,	Panton,	Surface,
Burke,	Harmuth,	Parks,	Terry,
Cannon,	Hart,	Patterson, C.,	Trout,
Caputo,	Hartman,	Patterson, J. W.,	Turner,
Carson,	Hefferon,	Pearson,	Van Allsburg,
Castor,	Hetrick,	Perry,	Van Sickle,
Chervenak,	Hindman,	Peters,	Walker,
Coakley,	Hirsch,	Pfaff,	Wall,
Cochran,	Hoffner,	Phillips,	Weiss,
Cohen,	Holstrom,	Piole,	Welliver,
Coleman,	Hoopes,	Powers,	Welsh,
Condon,	Horst,	Reising,	Westrick,
Conner,	Jackson,	Reynolds,	White,
Coolahan,	Kane,	Rhys,	Wickersham,
Cordier,	Kelder,	Rinn,	Witkin,
Davies,	Kelso,	Rooney,	Wood,
Decker,	Kilroy,	Root,	Woodside,
Denning,	Kinney,	Ruffennach,	Yeakel,
Dent,	Klingler,	Ruth,	Yourishin,
Diehl,	Kobelak,	Sarraf,	Zappala,
Dilley,	LaRue,	Schrock	Zimmerman,
Downey, G. E.,	Linderman,	Schrope,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON FINAL PASSAGE

Mr. SCHWARTZ. Mr. Speaker, I desire to call up at this time House Bill No. 1962, Printer's No. 979 on page 26 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SCHWARTZ.

The House resumed the consideration on final passage of House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1:1, 1:2, 1:3, 1:4, 1:5, 2:1, 2:2, 2:4, 2:5, 70:1, 70:2, 70:3 and 73 to the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or en-

gaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—187

Achterman,	Downey, J. J.,	Linderman,	Sarraf,
Alexander,	Duffort,	Long,	Scanlon,
Allen,	Eberharter,	Lovett,	Schrock,
Altenburg,	Eroe,	Lynch,	Schrope,
Andrews,	Falkenstein,	Male,	Schwab,
Arnold,	Ferko,	Mallen,	Shaw,
Atkins,	Finnerty,	Mason,	Shepard,
Aukerman,	Fitch,	McCreary,	Shortz,
Baine,	Flanagan,	McDermott,	Shugarts,
Baker, J. J.,	Flinchbaugh,	McDevitt,	Siegel,
Baldi,	Flynn,	McElroy,	Simon,
Barber,	Forrest,	McHenry,	Sinwell,
Barnhardt,	Furman,	McKinney,	Smith, J. A.,
Bernhard,	Gates,	Melchiorre,	Smith, W. G.,
Blumberg,	Gerard,	Mentzer,	Sowers,
Boose,	Gillette,	Merrell,	Spangler,
Boyd, R.,	Green,	Moomaw,	Stank,
Boyer,	Greenstein,	Mooney,	Stevens,
Bradley,	Habbyshaw,	Moran,	Stewart,
Brancato,	Haberlen,	Moul,	Stockham,
Brennan,	Hagerty,	Muir,	Stott,
Brown, H. S.,	Haluska,	Munley,	Sumney,
Brown, J. E.,	Hamilton, F. P.,	Murrin,	Surface,
Brownfield,	Hamilton, R. S.,	Nagel,	Tahl,
Brumbaugh,	Harkins,	O'Keefe,	Terry,
Burke,	Harmuth,	Ominsky,	Tronzo,
Cannon,	Hart,	O'Neill,	Tumelty,
Caputo,	Hartman,	Panton,	VanAllsburg,
Carr,	Hefferon,	Parks,	VanSickle,
Carson,	Hermansen,	Patterson, C.,	Walker,
Castor,	Hetrick,	Patterson, J. W.,	Wall,
Chervenak,	Hindman,	Pearson,	Wasserman,
Coakley,	Hirsch,	Perry,	Weiss,
Cochran,	Hoffner,	Peters,	Welliver,
Cohen,	Holstrom,	Pfaff,	Welsh,
Coleman,	Hoopes,	Phillips,	Westrick,
Condon,	Horst,	Piole,	White,
Conner,	Jackson,	Powers,	Wickersham
Coolahan,	Jones,	Reising,	Winner,
Cordier,	Kane,	Reynolds,	Witkin,
Davies,	Kelder,	Rhys,	Wood,
Decker,	Kelso,	Rinn,	Woodside,
Denning,	Kilroy,	Roan,	Yeakel,
Dent,	Kinney,	Rooney,	Yourishin,
Diehl,	Klinger,	Root,	Zappala,
Dilley,	Kobelak,	Ruffennach,	Sarig,
Downey, G. E.,	LaRue,	Ruth,	

NAYS—12

Baker, F. T.,	Simpson,	Snyder, J. L.,	Turner,
Moore,	Sloan,	Sproul,	Weidemann,
Nothnagle,	Snyder, F. E.,	Trout,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. DIEHL. Mr. Speaker, I move that the time on House Bill No. 2525, Printer's No. 940, entitled:

An Act to further amend sections one hundred two five hundred eleven five hundred twelve and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailors and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailors providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailors imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle imposing cancellation fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight

on page 35 of today's calendar, bills on third reading, postponed, be extended five days.

The motion was agreed to.

BILL ON THIRD READING

Mr. FURMAN. Mr. Speaker, I desire at this time to call up House Bill No. 977, Printer's No. 585 on page 32 of today's calendar, bills on third reading postponed.

BILL ON THIRD READING POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. FURMAN.

The House resumed the consideration on third reading of House Bill No. 977, entitled:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships

On the question,

Will the House agree to the bill on third reading?

Mr. FURMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend lines 4, 5 and 6 of the title on page 2 by striking out the words "allocation of the unexpended appropriation among townships of the second class and the" after the word "the" in line 4, and before the word "expenditure" in line 6.

Amend line 6 of the title on page 2 by inserting after the word "appropriation" and before the word "by" the

following: "for the construction of second-class township streets, roads and bridges requiring the reduction of tax levies"

Amend line 10 of the title on page 2 by adding after the word "levies" the following: "and permitting additional special tax levies under certain circumstances"

Amend Sec. 1, page 3, line 24 by removing strike-out brackets before and after the word "expended"

Amend Sec. 1, page 3, line 24 by striking out the word "allocated" after the word "expended"

Amend Sec. 1, page 3, line 25 by removing the strike-out brackets before the word "in" and after the word "of"

Amend Sec. 1, page 3, line 25 by striking out the word "among" after the word "of" and before the word "such"

Amend Sec. 1, page 3, line 27 by striking out the words "for expenditure by such townships" before the word "for"

Amend Sec. 1, page 4, lines 3, 4, 5 and 6 by striking out the words "and not encumbered as of April 1, 1935 exclusive of the sum of two million three hundred sixty-five thousand dollars ($2,365,000) transferred to the General Fund for relief purposes" after the word "class" and before the word "as"

Amend Sec. 1, page 4 by striking out everything in lines 23 to 29 inclusive

Amend Sec. 1, page 5 by striking out everything in lines 1 to 7 inclusive down to and including the word "as" before the word "shall" in line 7 and inserting in lieu thereof the words: "each township of the second class"

Amend Sec. 1, page 5, line 8 by inserting after the word "thirty-five" the words: "or thereafter as provided by this act"

Amend Sec. 1, page 5, line 11 by striking out the word "paid" after the word "be" and before the word "under" and inserting in lieu thereof the words: "expended in such township"

Amend Sec. 1, page 5, line 13 by removing strike-out brackets before and after the word "thirty-three"

Amend Sec. 1, page 5, line 13 by striking out the word "thirty-two" after the word "thirty-three"

Amend Section 1, Page 5, Line 15 by inserting after the word "charges" the words: "and such other administrative and overhead expenses as may be necessary"

Amend Section 1, Page 5, by striking out everything in Lines 16 to 29 inclusive beginning with and including the word "in" in Line 16

Amend Section 1, Page 6 by striking out everything in Lines 1 to 5 inclusive down to and including the word "where" in Line 3 and inserting in lieu thereof the word: "if"

Amend Section 1, Page 6, Line 10 by striking out the word "May" after the word "until" and before the word "fifteenth" and inserting in lieu thereof the word: "June"

Amend Section 1, Page 6, line 13 by striking out the word "May" after the word "before" and before the word "fifteenth" and inserting in lieu thereof the word: "June"

Amend Section 1, Page 6, Line 17 by striking out the words "Section five of the" after the word "by" and inserting in lieu thereof the word: "this"

Amend Section 1, Page 6, Line 18 by striking out the words "to which this is an amendment" after the word "Act" and before the word "shall"

Amend Section 1, Page 6, Line 20 by striking out the words "said Section five" after the word "with" and before the word "and" and inserting in lieu thereof the words: "this act"

Amend Section 1, Page 6, Line 21 by striking out the word "May" after the word "before" and before the word "fifteenth" and inserting in lieu thereof the word: "June"

Amend Section 1, Page 6, Line 22 by adding after the word "thirty-five" the following:

"Any township which desires to make application to the Federal authorities for grants of funds to be expended for construction or reconstruction in and by such township which require the expenditure of township funds for the purchase of materials or the rental of equipment or engineering or administration expenses, may, with the approval of the Court of Quarter Sessions, make an additional special levy not exceeding five (5) mills to be used for such purposes only. Provided, that in case any township desires to make application for Federal funds as aforesaid, any surplus of the funds appropriated by the act to which this is an amendment over the amount required for maintenance, may, with the approval of the Secretary of Highways, be used for such purpose in the same manner as other State funds are now or may hereafter be used for such purpose in connection with State highways.

Section 2. Any balance of the funds appropriated by this Act and not expended on January first, one thousand nine hundred thirty-six, shall be added to the appropriation made by any other Act appropriation funds for the same purpose for the years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven, which may be enacted at this session of the General Assembly and shall thereafter be expended under the provisions of such Act in addition to the funds thereby appropriated."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. TAHL. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

RECONSIDERATION OF VOTE

Mr. FURMAN. Mr. Speaker, I move that the vote by which the House agreed to transcribe the bill for third reading be reconsidered.

The motion was agreed to.

Mr. FURMAN. Mr. Speaker, I move that the vote by which the House agreed to the bill on second reading be reconsidered.

The motion was agreed to.

Mr. FURMAN. Mr. Speaker, I move that the vote by which the House agreed to the title be reconsidered.

The motion was agreed to.

Mr. FURMAN. Mr. Speaker, I move that the vote by which the House agreed to the various sections be reconsidered.

The motion was agreed to.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" is hereby amended to read as follows

Section 3 Of the amount appropriated to the Department of Highways for use upon the streets and roads in cities of the third class boroughs incorporated towns and townships of the first class there shall be expended or allocated by the Department of Highways in or to each of such political subdivisions at the option of the proper authorities of each subdivision expressed in writing to the Department of Highways for the repair and maintenance of streets and roads therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided for use in the political subdivisions

of which it is a class as the miles of streets or roads under its jurisdiction within its municipal limits and not maintained by the Department of Highways under the provisions of any other law bears to the total number of miles of such streets or roads within the municpal limits of all the political subdivisions of which it is a class as above provided

Of the amount appropriated to the Department of Highways for use upon streets and roads in townships of the second class there shall be [expended] allocated by the Department of Highways [in each of] among such townships of the second class for expenditure by such townships for the construction repair and maintenance of streets roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided for use in townships of the second class and not encumbered as of April 1, 1935 exclusive of the sum of two million three hundred sixty-five thousand dollars ($2,365,000) transfered to the General Fund for relief purposes as the miles of streets or roads under its jurisdiction within its municipal limits and not maintained by the Department of Highways under the provisions of any other law bears to the total number of miles of such streets or roads within the municipal limits of all townships of the second class provided however that the sum of two million three hundred sixty-five thousand dollars ($2,365,000) hereinbefore excluded shall be allocated by the Department of Highways among the townships of the second class in the manner hereinbefore provided in this section after the funds transferred to the General Fund from the Motor License Fund shall have been returned to the Motor License Fund The amount appropriated to be allocated to the townships of the second class as hereinbefore provided shall be paid by the Department of Highways to the townships entitled thereto in three equal installments on the fifteenth days of June September and December of the year one thousand nine hundred thirty-five but shall be paid only to such townships as shall at the time of fixing the tax levy for the year one thousand nine hundred thirty-five reduce the said tax levy for road and street purposes by an amount approximately equivalent to the amount to be paid under the provisions of this Act as compared with the amount levied for road and street purposes for the year one thousand nine hundred and thirty-two except that proper provision shall be made by the townships for interest sinking fund and debt repayment charges provided further that in townshps of the second class which levy no taxes and in which agreements have been made and approved by the Courts for the maintenance and construction of all township roads during the year one thousand nine hundred thirty-five by one or more taxpayers in accordance with the Second-class Township Code the Courts may upon petition of such taxpayers permit the change or modification of such agreements to provide that the funds received by such townships under the provisions of this Act shall be turned over by the township to such taxpayers for expenditures in the maintenance and construction of roads and bridges in the same manner as other funds of the taxpayers have heretofore been used but with the requirement that such expenditures shall be accounted for at the end of the year to the Supervisors subject to the approval of the Court

On the question,

Will the House agreed to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Page 3, Section 1, Line 24 by removing strike-out brackets before and after the word "expended"

Amend Page 3, Section 1, Line 24 by striking out the word "allocated" after the word "expended"

Amend Page 3, Section 1, Line 25 by removing the strike-out brackets before the word "in" and after the word "of"

Amend Page 3, Section 1, Line 25 by striking out the word "among" after the word "of" and before the word "such"

Amend Page 3, Section 1, Line 27 by striking out the words "for expenditure by such townships" before the word "for"

Amend Page 4, Section 1, Lines 3, 4, 5 and 6 by striking out the words "and not encumbered as of April 1, 1935 exclusive of the sum of two million three hundred sixty-five thousand dollars ($2,365,000) transferred to the General Fund for relief purposes" after the word "class" and before the word "as"

Amend Page 4, Section 1, by striking out everything in lines 23 to 29 inclusive

Amend Page 5, Section 1, by striking out everything in lines 1 to 7 inclusive down to and including the word "as" before the word "shall" in line 7 and inserting in lieu thereof the words: "each township of the second class"

Amend Page 5, Section 1, Line 8 by inserting after the word "thirty-five" the words: "or thereafter as provided by this act"

Amend Page 5, Section 1, Line 11 by striking out the word "paid" after the word "be" and before the word "under" and inserting in lieu thereof the words: "expended in such township"

Amend Page 5, Section 1, Line 13 by removing strike-out brackets before and after the word "thirty-three"

Amend Page 5, Section 1, Line 13 by striking out the word "thirty-two" after the word "thirty-three"

Amend Page 5, Section 1, Line 15 by inserting after the word "charges" the words: " and such other administrative and overhead expenses as may be necessary"

Amend Page 5, Section 1, by striking out everything in lines 16 to 29 inclusive beginning with and including the word "in" in Line 16

Amend Page 6, Section 1 by striking out everything in Lines 1 to 3 inclusive down to and including the word "where" in line 3 and inserting in lieu thereof the word: "if"

Amend Page 6, Section 1, Line 10 by striking out the word "May" after the word "until" and before the word "fifteenth" and inserting in lieu thereof the word: "June"

Amend Page 6, Section 1, Line 13 by striking out the word "May" after the word "before" and before the word "fifteenth" and inserting in lieu thereof the word: "June"

Amend Page 6, Section 1, Line 17 by striking out the words "Section five of the" after the word "by" and inserting in lieu thereof the word: "this"

Amend Page 6, Section 1, Line 18 by striking out the words "to which this is an amendment" after the word "Act" and before the word "shall"

Amend Page 6, Section 1, Line 20 by striking out the words "said Section five" after the word "with" and before the word "and" and inserting in lieu thereof the words "this act"

Amend Page 6, Section 1, Line 21 by striking out the word "May" after the word "before" and before the word "fifteenth" and inserting in lieu thereof the word: "June"

Amend Page 6, Section 1, Line 22 by adding after the word "thirty-five" the following: "Any township which desires to make application to the Federal authorities for grants of funds to be expended for construction or reconstruction in and by such township which require the expenditure of township funds for the purchase of materials or the rental of equipment or engineering or administration expenses, may, with the approval of the Court of Quarter Sessions, make an additional special levy not exceeding five (5) mills to be used for such purposes only. Provided, that in case any township desires to make application for Federal funds as aforesaid, any surplus of the funds appropriated by the act to which this is an amendment over the amount required for maintenance, may, with the approval of the Secretary of Highways, be used for such purpose in the same manner as other State funds are now or may hereafter be used for such purpose in connection with State highways.

On the question,

Will the House agree to the amendment?

Mr. ZIMMERMAN. Mr. Speaker, I would like to interrogate the gentleman from Greene, Mr. Furman.

The SPEAKER. Will the gentleman from Greene permit himself to be interrogated?

Mr. FURMAN. I will, Mr. Speaker.

Mr. ZIMMERMAN. Mr. Speaker, I would ask that the gentleman from Greene, Mr. Furman, tell the House the purpose of the amendments that have just been presented.

Mr. FURMAN. Mr. Speaker and members of the House, this bill has been on the calendar for sometime. There have been some objections to it. We have tried to eliminate those objections by these amendments. One of the objections was that it would be impossible for the townships to take advantage of PWA funds by the method in which these funds would be allocated to the townships. One amendment clarifies that situation by permitting, with the approval of the Secretary of Highways, the spending of this money on these different projects.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman state whether or not the amendments that have just been presented will change the original intent of the bill.

Mr. FURMAN. Mr. Speaker, I do not think that they do.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman say whether or not the amendments that have just been presented will void the Governor's statement made on March 22nd?

Mr. FURMAN. Mr. Speaker, in answer to the gentleman from Montgomery I will say that these amendments provide for the reduction of taxes in townships of the second class. That was the intention of the bill in the first place. The method by which that is done has been changed by these amendments. There are other amendments in here that also provide that this money shall be used for construction in addition to maintenance.

Mr. ZIMMERMAN. Mr. Speaker, I don't believe that the gentleman understood my question. My question was as to whether or not these amendments changed or made void the promise that has been made by the Governor in a formal statement issued by him on March 22nd.

Mr. FURMAN. I do not think they do, Mr. Speaker.

Mr. ZIMMERMAN. Mr. Speaker, I would like to ask the gentleman who is the sponsor of these amendments.

Mr. FURMAN. Mr. Speaker, in reply to the gentleman from Montgomery, I will say that these amendments were prepared by the Department of Highways.

Mr. ZIMMERMAN. Mr. Speaker, I would like to ask the gentleman as to whether or not the State Highway Department through its Secretary, Mr. Van Dyke, promised this money to the townships if the townships would on March 25th have reduced the taxes by the amount promised.

Mr. FURMAN. Mr. Speaker, this money has been promised, I think, to the townships, to be used in the townships for the maintenance and construction of roads and bridges.

Mr. ZIMMERMAN. Mr. Speaker, may I ask the gentleman if these amendments will change the intent of Resolution No. 92 which was passed unanimously by this House?

Mr. FURMAN. Mr. Speaker, I do not think they do.

Mr. ZIMMERMAN. Mr. Speaker, are these amendments in violation of Articles three, section one of the Constitution?

Mr. FURMAN. Mr. Speaker, I am unable to answer that question. I do not have the section and the article.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman from Greene, Mr. Furman, kindly answer the question as to whether or not tax relief can be given unless this bill is passed in its original form?

Mr. FURMAN. Mr. Speaker, I would say that it can be given and tax relief will be given by the passage of this bill as amended.

Mr. ZIMMERMAN. Mr. Speaker, I would like further to ask this question, do these amendments destroy the home rule feature of the original bill?

Mr. FURMAN. Mr. Speaker, in the answer to that question I will say that they do not destroy home rule. To clarify that statement, I will say that this money will be expended by the Department of Highways in the townships through the duly authorized officials of the townships, and they are the road supervisors elected by the people in the townships.

Mr. ZIMMERMAN. Mr. Speaker, I would like to ask further the following question. Does the new section in this bill make additional taxes possible?

Mr. FURMAN. Mr. Speaker, in reply to that question, there is one amendment that will do that, and that is that the townships may, with the approval of the Court of Quarter Sessions, levy an additional five mills for the purpose of taking advantage of additional PWA funds in the construction of roads or bridges.

Mr. ZIMMERMAN. Mr. Speaker and ladies and gentlemen of the House, House Bill No. 977 constitutes a very definite program, that was agreed upon by both parties. It constitutes a program that constituted a platform of both parties during the last campaign.

House Bill No. 977 is a tax reduction measure, to which both parties agreed. In starting the legislation in looking forward to the passage of this bill, the Governor of the Commonwealth chose to issue a statement on March twenty-second in which he said, first of all, that the monies would be sent back to the township supervisors for use upon their roads. He went further than that. The Governor authorized the township supervisors to lower their tax levies because of the money or in contemplation of the money that the supervisors would receive through the enactment of this measure. Then following that, this House passed Resolution No. 92, passed it unanimously, which again fortified the supervisors and gave them the encouragement to reduce the taxes in contemplation of getting this money. Some of the township supervisors have already done that, and, mark you, the tax duplicates have left their control and hands. Now, we are putting amendments into this bill which practically take away entirely the tax reduction feature of the measure. In fact, it makes it a tax measure because of the fact that under an amendment in this bill just presented in this House tonight, it will become necessary to increase and to levy a five mill tax upon the taxpayers of the counties and townships to take advantage of the Federal funds. Therefore, this measure which was originally conceived as a tax reduction measure now becomes a tax program that is going to increase the taxation in Pennsylvania. That was a thing that we both objected to, that we both said would not be done. But we are confronted now with a condition after this House passed a resolution which practically said or did say in effect that House Bill No. 977 would be passed by this body. We are now undertaking, through amendments, to take out everything which was originally

intended and placed in the bill to reduce taxes in the State of Pennsylvania.

One of the questions that I asked the gentleman from Greene, Mr. Furman, was a question as to whether or not these amendments changed and completely made void the promise made by the Governor of the Commonwealth in a statement issued to the people on March twenty-second. That is exactly what has happened in this case, both through the amendments and through the introduction of the amendments to this bill. The Governor's promise to the people has been completely changed and it now becomes purely and exactly null and void simply because we are putting back into this bill a taxing feature that does not belong there. Furthermore, it places in the hands of the Secretary of Revenue the power to withhold monies that have been appropriated by the Legislature for road building and maintenance and keeping that money in the Highway Department. By that I mean that it takes away from the Legislative branch the power that really belongs to this branch, and in so doing it gives to the Secretary of Highways the power to keep that money in the Motor Fund which is certainly not the intent of this bill nor was it the intent of the Governor at the time he issued his statement on March twenty-second.

For these reasons and mainly because we have before us in this measure,—eliminating the amendments, if you please,—the real genuine opportunity to reduce taxes in Pennsylvania to allow the road supervisors to reduce taxes in proportion to the amount that the township receives from the Commonwealth of Pennsylvania. That is the intent of the bill and that was the intent of the Governor of the Commonwealth at the time when he gave to the people of the Commonwealth his promise, and the promise of this House through the amendments, and the resolution which we passed, that that would be done.

Therefore, ladies and gentlemen of the House, I ask you to vote down these amendments.

Mr. FURMAN. Mr. Speaker and members of the House, House Bill No. 977 is an amendment to the Parkinson Act which was passed by this Legislature in the session of nineteen hundred and thirty-three. This bill provides for the expenditure of the balance that was allocated at that time in townships of the second class.

Now, these amendments have been presented here for the purpose of eliminating objections that have come up since the passage of that Act.

One of those objections was that this money could not be used for the construction of roads but only for maintenance, and by these amendments we provide that this money can be used for the construction as well as the maintenance of roads and bridges.

The gentleman from Montgomery has stated that the purpose of both parties was to enact legislation to reduce taxes. This measure as amended is a tax reducing measure.

He says, further, that by these amendments it will be necessary for the townships to raise additional levies, and I am going to read for the information of the House that amendment which I think will clarify the situation:

"Any township which desires to make application to the Federal authorities for grants of funds to be expended for construction or reconstruction in and by such township which require the expenditure of township funds for the purchase of materials or the rental of equipment or engineering or administration expenses, may, with the approval of the Court of Quarter Sessions, make an additional special levy not exceeding five (5) mills to be used for such purposes only."

Also in case these funds that are expended are not used for maintenance, with the approval of the Department of Highways these amendments will permit township authorities to take advantage of Federal funds in the construction of roads or bridges.

This is a tax reduction measure and these amendments clarify the situation existing today. In fact they will make it possible to carry out the orders that the Highway Department issued a few weeks ago. It is giving back to the township supervisors more authority than they had previously under the Parkinson Act.

It is a home rule measure and it does reduce taxes in these districts. For those reasons I ask the membership of this House to support these amendments.

Mr. WOODSIDE. Mr. Speaker and members of the House, I am sorry that I must disagree with the gentleman from Greene, but I think there is one major issue which is now before the House.

Resolution No. 92, which has been referred to and which was passed by this House pledged this House to the enactment of legislation. I wish to read a part of that resolution as follows:

"Resolved that the General Assembly hereby authorizes and requests the township supervisors in all townships of the second class to reduce road tax levies for the year one thousand nine hundred and thirty-five,"
and then further down:
"the General Assembly hereby declares its purpose forthwith to enact suitable legislation to provide for the allocation and payment to the various townships of the second class for expenditure for general road and bridge purposes of the unencumbered balance as of April first one thousand nine hundred thirty-five of the funds allocated by the Department of Highways for expenditure under the terms of the above cited Parkinson Act exclusive of the sum of two million three hundred sixty-five thousand dollars ($2,365,000) heretofore transferred to the General Fund for relief purposes."

According to all the information which seems to be available, this resolution was endorsed by the Governor and was also endorsed by the Secretary of Highways. Upon the promise definitely and certainly made by this General Assembly, the township supervisors in many of the districts set their millage and proceeded to fix their budget in accordance with the terms of this resolution. Now, the amendments proposed will do exactly the opposite from what this resolution pledged this Assembly to do. In the first place, it removes from the bill, as I understand it, the provision, which is pledged in the resolution, providing for the allocation and payment to the various townships of the second class for expenditure for general road and bridge purposes the unencumbered balance as of April first, nineteen thirty-five of the funds of the Parkinson Act. That provision in the bill is taken out. The word "expenditure" in line twenty-four on page three is removed from the bill. Practically the entire wording of that resolution is taken out of the bill at one place or another. Instead of paying this money to the township supervisors as the resolution has pledged, the amendments provide for the expenditure in the county or in the township of certain funds and the pledge is not definite as to the amount that will be expended. This bill, if the amendments are adopted, will not carry out the provisions of this resolution. This resolution has

pledged this Assembly to do certain things. If we adopt these amendments we will do exactly opposite from what we have been pledged to do.

On the faith of that pledge certain officials have acted, the township supervisors have acted, and I feel, Mr. Speaker and members of the House, that it is our duty to carry out the provisions of this resolution and defeat these amendments.

Mr. ZIMMERMAN. Mr. Speaker and members of the House, quite briefly I would like to point out the fact that the tax payers and the road supervisors of the Commonwealth of Pennsylvania have been made acquainted with the fact that this bill was conceived as a tax reduction measure.

I would life to say, further, that if this bill is passed in its original form—leaving out the amendments that have been presented tonight—it will not be necessary to go back to the people of Pennsylvania in the townships and request a five mill increase in the tax. If this bill is passed in its original form, the townships will have sufficent monies coming from the Commonwealth and coming from the Highway Department to take advantage of Federal aid without the necessity of one mill increase in taxation.

I would like also to point out the fact that it has been mentioned by the gentleman from Greene, Mr. Furman, that construction work is included in the amendments. I believe that that is a misunderstanding. The construction and road building feature of this bill is contained in the orginal measure and not contained in the amendments. Therefore, if we wish to place the townships in a position where they may take advantage of Federal aid without increasing taxation, then the proper thing for this House to do is to carry out the mandate that it laid down in its resolution and pass this bill in its original form. It will thereby be a tax reduction measure and not a tax raising measure.

Mr. FURMAN. Mr. Speaker and members of the House, to clarify a misunderstanding here. One of these amendments on line six, page two, amends the title by inserting after the word "appropriation" and before the word "by" the following: "for the construction of second-class township streets, roads and bridges requiring the reduction of tax levies."

It is provided that this money be used for the construction of roads and bridges. It is not a tax raising measure. It reduces the taxes in the townships. It also provides, further, that when the township supervisors have already levied their taxes, they may still make reductions.

In regard to the aditional five mills, that is put in there in case some of the richer townships may have a number of roads that they wish to have improved. In that case they go to the Court of Quarter Sessions and getting the approval of that court, then the additional levy may be made and in no other way. It does not make it mandatory to raise the taxes in any manner.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. ZIMMERMAN and Mr. PETERS and were as follows:

YEAS—108

Achterman,	Coolahan,	Kinney,	Rinn,
Alexander,	Decker,	Klinger,	Ruffennach,
Allen,	Dent,	Kobelak,	Ruth,
Altenburg,	Diehl,	Long,	Sarraf,
Andrews,	Dilley,	Lovett,	Scanlon,
Arnold,	Downey, G. E.,	Lynch,	Schrope,
Aukerman,	Downey, J. J.,	Male,	Schwab,
Baine,	Eberharter,	McCreary,	Shaw
Baker, J. J.,	Finnerty,	McDermott,	Shepard,
Barber,	Fitch,	McElroy,	Shugarts,
Barnhardt,	Flanagan,	McHenry,	Siegel,
Bradley,	Furman,	Melchiorre,	Simon,
Brancato,	Gerard,	Mentzer,	Smith, J. A.,
Brown, H. S.,	Haberlen,	Moomaw,	Smith, W. G.,
Brown, J. E.,	Hagerty,	Mooney,	Stank,
Brownfield,	Haluska,	Moran,	Sumney,
Brumbaugh,	Hamilton, F. P.,	Munley,	Tahl,
Burke,	Harkins,	Nagel,	Tronzo,
Cannon,	Harmuth,	O'Keefe,	Tumelty,
Carr,	Hartman,	Ominsky,	VanSickle,
Carson,	Hetrick,	Panton,	Walker,
Chervenak,	Hindman,	Patterson, J. W.,	Weiss,
Coakley,	Hirsch,	Pearson,	Welliver,
Cochran,	Holstrom,	Pfaff,	Welsh,
Cohen,	Hoopes,	Piole,	Yourishin,
Coleman,	Kelso,	Powers,	Zappala,
Condon,	Kilroy,	Reising,	Sarig,

NAYS—60

Atkins,	Habbyshaw,	Parks,	Sproul,
Baker, F. T.,	Hamilton, R. S.,	Perry,	Stockham,
Baldi,	Hart,	Peters,	Surface,
Bernhard,	Hermansen,	Phillips,	Turner,
Boyd, R.,	Horst,	Reynolds,	Wall,
Boyer,	Kane,	Rhys,	Wasserman,
Castor,	Kelder,	Root,	Weidemann,
Conner,	Linderman,	Schrock,	White,
Cordier,	Mason,	Shortz,	Wickersham
Davies,	McDevitt,	Sinwell,	Winner,
Ferko,	McKinney,	Sloan,	Witkin,
Flynn,	Moore,	Snyder, F. E.,	Wood,
Forrest,	Muir,	Snyder, J. L.,	Woodside,
Gates,	Murrin,	Sowers,	Yeakel,
Gillette,	Nothnagle,	Spangler,	Zimmerman,
Green,			

So the question was determined in the affirmative and the amendments were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Where any board of supervisors of any township of the second class has during the year one thousand nine hundred and thirty-five delayed making its tax levy beyond the last day allowed by law for the levy of its road tax awaiting action by the legislature in order to ascertain what aid if any such township was entitled to receive then such township supervisors shall have power to levy such tax anytime until May fifteenth one thousand nine hundred and thirty-five and any such action by a board of township supervisors in levying its tax on or before May fifteenth one thousand nine hundred and thirty-five is hereby ratified confirmed and made valid

Any township which made its levy prior to the effective date of this act and which has not made a reduction in its tax levy as required by section five of the act to which this is an amendment shall revoke this levy and make a new levy at a lesser rate to comply with said section five and such new levy shall be made on or before May fifteenth one thousand nine hundred and thirty-five

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Section 2. Any balance of the funds appropriated by this Act and not expended on January first, one thousand nine hundred thirty-six, shall be added to the appropriation made by any other Act appropriating funds for the

same purpose for the years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven, which may be enacted at this session of the General Assembly and shall thereafter be expended under the provisions of such act in addition to the funds thereby appropriated.

On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The third section as read and agreed to as follows:

Section 3 This Act shall become effective immediately upon final enactment

The title was read as follows:

An act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships and validating tax levies of townships made after the last day now fixed by law for such levy and requiring some townships which have made their tax levies to make new levies

On the question,
Will the House agree to the title?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend lines 4, 5 and 6 of the title on page 2 by striking out the words "allocation of the unexpended appropriation among townships of the second class and the" after the word "the" in line 4, and before the word "expenditure" in line 6

Amend line 6 of the title on page 2 by inserting after the word "appropriation" and before the word "by" the following: "for the construction of second-class township streets, roads and bridges requiring the reduction of tax levies"

Amend line 10 of the title on page 2 by adding after the word "levies" the following: "and permitting additional special tax levies under certain circumstances"

On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,
Will the House agree to the title as amended?
It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

TIME EXTENDED ON BILL

Mr. TURNER. Mr. Speaker, I move that the time on House Bill No. 1869, Printer's No. 856, entitled:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements defining the powers and duties of the Department of Highways and the Water and Power Resources Board; authorizing political subdivisions persons copartnerships associations corporations and the Board of Fish Commissioners to contribute to the cost of the construction maintenance and repair of any such dam providing for acceptance by agencies of the Commonwealth of gifts and lease of lands and making appropriations from the Motor License Fund and the Fish Fund

on page 35 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. YOURISHIN. Mr. Speaker, I move that the time on House Bill No. 1552, Printer's No. 782, entitled:

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providng revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended eliminating the provision which requires that county and district superintendents of schools shall have had three years experience in a supervisory or administrative capacity

on page 34 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. AUKERMAN, from the Committee on Banking, reported as amended House Bill No. 2538, entitled:

An Act to amend further a part of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widows and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also generally dealing with the jurisdiction, powers and procedure of the orphan's court

in all matters relating to fiduciaries concerned with the estates of decedents," by authorizing executors, administrators, guardians and trustees to invest moneys in their custody or possession eligible for investment in mortgages insured and in debentures issued by the Federal Housing Administrator pursuant to title two of the National Housing Act.

Mr. PARKS, from the Committee on Agriculture reported as amended, House Bill No. 2100, entitled:

An Act to regulate and control the sale of baby chicks and started chicks by producers, dealers and brokers at auctions, auction sale barns, community sales, whether sold privately or over the counter, or sold by hucksters or peddlers, and imposing a penalty.

BILL ON FINAL PASSAGE

Mr. LONG. Mr. Speaker, I desire to call up at this time House Bill No. 1083, Printer's No. 1049, on page 23, of today's calendar, bill on final passage, which was passed over.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1083 as follows:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam or mercury boilers steam engines turbines and refrigerating machinery designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "operator" shall mean a person who operates or has charge of the equipment specified in Section 1 of this Act

As used in this Act "boiler" shall mean a steam or mercury boiler in which pressure is generated to drive equipment and including all piping and apparatus connected thereto up to and including the stop valve or valves nearest the boiler

"Equipment" shall mean stationary steam or mercury boilers steam engines turbines refrigerating machinery and appurtenances thereto

"Department" shall mean the Department of Public instruction of the Commonwealth of Pennsylvania

"Establishment" shall mean a commercial or industrial building or place within the Commonwealth

"Place of public assembly" shall mean any building or portion thereof designed intended or used for purposes of entertainment instruction or amusement

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Whenever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section II It shall be unlawful for any person to have charge of or to operate equipment in this Commonwealth unless said person holds a license as is hereinafter provided for it shall be unlawful for any owner or user of any equipment to operate or cause or permit to be operated any equipment except by a duly licensed operator it shall be unlawful for any licensed operator to delegate such operation to any person not so licensed

Section III Every person wishing to operate any of the equipment mentioned in this act shall make written application for a license to the Department on the form prescribed by the Department Every such person shall be at least twenty-one years of age and shall have been employed about equipment during the five years immediately preceding the date of his application for a total term of not less than two years The application shall contain a detailed statement of such employment Every such application shall be accompanied by the affidavit of the applicant of one operator and of one employer as to the truth of the statements contained in the application Each application shall be accompanied by a fee of $5.00

Section IV The Department shall make inquiry into the character habits of life and experience of the applicant The Department shall after reasonable notice to the applicant submit the applicant to a written examination in the construction and operation of steam or mercury boilers steam engines turbines pumps and refrigerating machinery and in the subject of hydraulics or in such of these subjects as relate to the operation of the equipment for which a license is requested The examination shall be uniform throughout the Commonwealth The standard of the examination shall be conducted under the rules and regulations adopted by the Department

Section V If upon such examination the applicant is found proficient in such subjects a license shall be granted to him to have charge of and to operate only such equipment as from the application and examination the Department shall determine the applicant to be capable of operating for one year from the date on which it is issued Such equipment shall be specified on the license The Department shall upon application by a licensed operator before ten days after the expiration of such license issue a renewal thereof annually upon the payment of a renewal fee of two dollars ($2.00) Otherwise the license shall become null and void

Section VI Any person who shall have operated equipment during the five years immediately preceding the passage of this act for a total term of not less than two years or who holds at the date of passage of this act a license to operate equipment issued under the authority of any municipal subdivision of this Commonwealth shall upon application to the Department on the form indicated in Section III and the payment of a fee of two dollars ($2.00) within six months after the passage of this act be entitled without examination to a license to operate such equipment only as is indicated by his application he shall have previously operated or is presently operating and shall be entitled to the same privilege of annual renewal as hereinbefore granted to other licensed operators

Section VII Upon written charges made to the Department by any person after notice and hearing the Department may revoke the license of a person guilty of fraud in obtaining or using such license or who becomes insane or is addicted to the liquor or drug habit to such a degree as to render him unfit to operate equipment

Section VIII Any licensed operator of equipment who shall leave or be suspended or discharged from any place of employment shall within ten days notify the Department of such fact The owner or user of such equipment shall in like manner notify the Department of such fact

Section IX Each operator shall exhibit his license under glass in a conspicuous place in his engine room or boiler room Each operator shall sign his own license

Section X To carry out the provisions of this act the Department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the examination and registration of operators of equipment

Section XI All fees provided for in this act shall be paid to the Department of Public Instruction who shall transmit the same to the State Treasurer through the Department of Revenue

Section XII Provided That nothing in this act shall be construed to apply to the operation of any equipment subject to Federal inspection and control on locomotives railroad cars or steam or motor boats nor to equipment subject to the inspection and control of the Bureau of Motor Vehicles of this Commonwealth

Section XIII Nothing in this Act shall be construed to prohibit the licensure or regulation of operators of power equipment by any subdivision of this Commonwealth in addition to the requirements of this Act

Secton XIV It shall be the duty of the Department of Public Instruction to enforce the provisions of this act

Section XV Prosecutions for violations of the provisions of this act or the rules and regulations of the Department may be instituted by the Department and shall be in the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties herein provided for shall be imposed and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law

Section XVI Any person who shall violate any of the provisions of this act or the rules and regulations of the Department as herein provided for shall be guilty of a misdemeanor and shall be penalized by a fine of not more than one hundred dollars and costs and upon nonpayment thereof imprisonment in the county jail for not more than ten days

Section XVII All fines collected under this act shall be forwarded to the Department of Public Instruction who shall transmit the same to the State Treasury through the Department of Revenue

Section XVIII This act may be cited as the Power Equipment Operator's License Act of 1935

Section XIX The provisions of this act are severable and in the event that any provisions thereof should be declared unconstitutional it is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect

Section XX The act approved the eighteenth day of April one thousand eight hundred ninety-nine (Pamphlet Laws forty-nine) entitled "An Act to provide for the beter protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the first class in this Commonwealth and providing penalties for violations" and its amendments the act approved the fourth day of April one thousand nine hundred and five (Pamphlet Laws one hundred two) entitled "An Act to provide for the better protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the second and third class of this Commonwealth and providing penalties for violation" and its amendments and all other acts or parts of act inconsistent with the provisions of this act are hereby repealed

Section XXI This Act shall be effective and operative sixty days after its signing by the Governor

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. LONG. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. LONG. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, line 5, by inserting after the word "engines" the following: "and"

Amend Title, page 1, lines 5 and 6, by striking out the words "and refrigerating machinery"

Amend Sec. 1, page 2, line 10, by inserting after the word "engines" the following: "and"

Amend Sec. 1, page 2, lines 10 and 11 by striking out the following: "refrigerating machinery"

Amend Sec. II, page 3, line 6, by removing the heavy faced brackets before the word "in"

Amend Sec. II, page 3, line 7, by striking out the word "school"

Amend Sec. II, page 3, line 7, by removing the heavy faced bracket after the word "assembly"

Amend Sec. III, page 3, line 20, by striking out the word "about" and inserting in lieu thereof the following: "in operating or in assisting in the operation or maintenance of"

Amend Sec. III, page 3, line 20, by striking out the word "five" and inserting in lieu thereof: "ten"

Amend Sec. IV, page 4, line 5, by inserting the word "and" before the word "pumps"

Amend Sec. IV, page 4, line 6, by striking out the entire said line.

Amend Sec. IV, page 4, line 10, by striking out the entire said line.

Amend Sec. IV, page 4, line 11, by striking out the word "examination"

Amend Sec. IV, page 4, line 11, by inserting the word "and" before the word "shall"

Amend Sec. IV, page 4, line 11, by inserting after the part word "regu-" the following: "lations adopted by the Department"

Amend Sec. VI, page 4, line 25, by striking out the word "five" and inserting in lieu thereof: "ten"

Amend Sec. XII, page 6, lines 5 to 10, both inclusive, by striking out all of said lines.

Amend Sec. XIII, page 6, line 11, by striking out the figure "XIII" and insert in lieu thereof: "XII"

Amend Sec. XIV, page 6, line 15, by striking out the figure "XIV" and inserting in lieu thereof: "XIII"

Amend Sec. XV, page 6, line 18, by striking out the figure "XV" and inserting in lieu thereof: "XIV"

Amend Sec. XVI, page 6, line 27, by striking out the figure "XVI" and inserting in lieu thereof: "XV"

Amend Sec. XVII, page 7, line 5, by striking out the figure "XVII" and inserting in lieu thereof "XVI"

Amend Sec. XVIII, page 7, line 9, by striking out the figure "XVIII" and inserting in lieu thereof "XVII"

Amend Sec. XIX, page 7, line 11, by striking out the figure "XIX" and inserting in lieu threeof "XVIII"

Amend Sec. XX, page 7, line 17, by striking out the figure "XXI" and inserting in lieu thereof "XX"

Amend Sec. "XXI" page 8 line 6 by striking out the figure "XXI" and inserting in lieu thereof "XX"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIMPSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Huntingdon will state his question of personal privilege.

Mr. SIMPSON. Mr. Speaker, in the Legislative Journal for May first I am recorded as having voted "aye" on House Bill No. 18, Printer's No. 817. This is in error, as I voted "no" on that bill.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Judiciary General will hold a public hearing on House Bill No. 2278, on Wednesday, May 22, at 2 P. M.

A public hearing will be held before the Committee on State Government on House Bills 1767, 1768, 1769, 1770 and 1771 on Tuesday, May 21, at 2 P. M., in the House Caucus Room.

The Committee on Education will meet tomorrow at 9:15 A. M., in Room 326.

The Committee on Military Affairs will meet tomorrow morning at 9:30 in Room 324.

The Committee on State Government will meet tomorrow morning at 10 A. M. in Room 323.

The Committee on Judiciary General will meet tomorrow morning at 10 A. M. in Room 325.

The Committee on Boroughs and Townships will meet tomorrow morning at 10:30 A. M. in Room 326.

The Committee on Counties will meet tomorrow morning at 10:30 A. M. in Room 324.

The Committee on Corporations will meet tomorrow immediately after the morning session in Room 323.

The Committee on Highways will meet tomorrow night at 7:30 o'clock in Room 326.

The Committee on Pensions and Gratuities will meet tomorrow morning immediately after the morning session in Room 315.

The Committee on Judiciary Special will meet tomorrow morning immediately after the morning session in Room 326.

The Committee on Forestry will meet tomorrow morning immediately after the morning session in Room 521.

ADJOURNMENT

Mr. JOHN J. DOWNEY. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11:00 A. M.

The motion was agreed to, and (at 11:08 P. M.) the House adjourned until Wednesday, May 15, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, MAY 15, 1935 No. 62

SENATE

WEDNESDAY, MAY 15, 1935.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Our heavenly Father, Thou hast placed us in a world of change and mutability. Men are here today and gone tomorrow; nations rise and fall; kingdoms flourish and decay; seasons come and go; tides swell and recede. Rivers vary in their courses and the shore lines of oceans shift with time. And how often fortunes are amassed to be dissipated. What we now accept as truth may in future days be proven false. Even our bodies are constantly being remade so that no element found in them a few years ago remains today.

But in the midst of all this instability Thou hast given us three unchangeable, immutable things: faith, hope and love. These are not material and tangible, yet how real and potent they are and how eternal. Thou dost offer them to us all. Faith in God and our fellow men. Hope for better things in this life and supreme happiness in the life to come. Love for Thee and humanity.

Of these three, love is the greatest. Grant that it may rule our lives and sway the world. Perfect love casteth out fear. "He that loveth not knoweth not God, for God is love."

When love rules our hearts, peace and prosperity will drive away distress and depression. May the law of love and love as a law control this and every other legislative body in our land. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal approved.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 292 (Senate Bill No. 1323), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Which was committed to the Committee on Appropriations.

House Bill No. 553 (Senate Bill No. 1324), entitled:

An Act relating to mob violence and lynching; making members of a mob and accessories thereto when death results guilty of murder, and guilty of a felony where no death results; providing for the enforcement of this act by district attorneys, the Attorney General and prosecutors designated by the Governor; fixing civil liabilities in such cases; and prescribing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 672 (Senate Bill No. 1325), entitled:

A Joint Resolution proposing an amendment to article nine, section sixteen, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 878 (Senate Bill No. 1326), entitled:

An Act to amend section thirty-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "Divorce Law," as amended, further regulating the sending of notice to correspondents in certain divorce actions.

Which was committed to the Committee on Judiciary General.

House Bill No. 1204 (Senate Bill No. 1327), entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1595 (Senate Bill No. 1328), entitled:

An Act lapsing all unexpected or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one.

Which was committed to the Committee on Appropriations.

House Bill No. 1896 (Senate Bill No. 1329), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

Which was committed to the Committee on Appropriations.

House Bill No. 1899 (Senate Bill No. 1330), entitled:

An Act authorizing and empowering cities of the first class to purchase or acquire by condemnation proceedings such real estate within the city limits as they may need upon which to erect or construct municipal buildings, fire engine houses, gas and electric light works and for playgrounds, public parks or other municipal purposes (other than laying out, opening, altering or maintaining roads, highways, streets or alleys), and within or without the city limits upon which to erect hospitals, water works and power houses, and for the purpose of a poor farm or farms or penal institutions, providing and regulating the procedure in purchase and condemnations, the right on the part of the city to rescind such condemnations, and governing the time and manner of taking possession.

Which was committed to the Committee on Municipal Government.

House Bill No. 1962 (Senate Bill No. 1331), entitled:

An Act to amend sections 1 and 2 as amended. sections 70 and 71, to repeal section 69 of, and to add Sections 1.1, 1.2, 1.3, 1.4, 1.5., 2.1, 2.2, 2.3, 2.4, 70.1, 70.2 and 73 to the act, approved the seventh day of June one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

Which was committed to the Committee on Public Health.

House Bill No. 2037 (Senate Bill No. 1332), entitled:

An Act to amend section eighteen of an act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law."

Which as committed to the Committee on Municipal Government.

House Bill No. 2176 (Senate Bill No. 1333), entitled:

An Act to amend section two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven, (Appropriation Acts, page 32), entitled "An act authorizing the Department of Property and Supplies to construct, erect, and dedicate, in the city of Chester, a monument to the memory of John Morton; and making an appropriation," as amended, by reducing the amount of the state appropriation and the amount required to be raised by citizens; and reappropriating to the Department of Property and Supplies the appropriation as so reduced.

Which was committed to the Committee on Appropriations.

House Bill No. 2302, (Senate Bill No. 1334), entitled:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor.

Which was committed to the Committee on State Government.

House Bill No. 2309 (Senate Bill No. 1335), entitled:

A Joint Resolution proposing an amendment to section one, article eighteen of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional changes.

House Bill No. 2359 (Senate Bill No. 1336), entitled:

An Act providing for the creation of public "Authorities" in counties of the first class authorizing such "Authorities" to enter into agreement with the Government of he United States particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto and the Emergency Relief Appropriation Act of one thausand nine hundred and thirty-five the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with others defining and providing for the organization and dissolution of such "Authorities" conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such "Authorities" may exercise their powers endowing such "Authorities" with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such "Authorities" to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes

Which was committed to the Committee on Municipal Government.

House Bill No. 2437 (Senate Bill No. 1337), entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

Which was committed to the Committee on Municipal Government.

House Bill No. 2482 (Senate Bill No. 1338), entitled:

An Act to amend section seventy-four of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "Criminal Procedure Act of 1860" as amended; requiring the sentencing of women to the State Industrial Home instead of to State penitentiaries.

Which was committed to the Committee on Judiciary General.

House Bill No. 2513 (Senate Bill No. 1339), entitled:

An Act providing for the incorporation, as bodies corporate and politic, of "Authorities" for counties, defining the same, prescribing the rights, powers and duties of such authorities to acquire, construct, improve, maintain and operate subjects and to borrow money and issue bonds therefor, providing for the payment of such bonds, and prescribing the rights of the holders thereof, conferring the right of eminent domain on such authorities, authorizing such Authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof; and for other purposes.

Which was committed to the Committee on Municipal Government.

House Bill No. 2566 (Senate Bill No. 1340) entitled:

An Act to further amend section fifteen of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1311), entitled "An act providing for the establishment of a State Industrial Home for Women: authorizing the purchase of a site, and the erection thereon and equipment of necessary buildings; providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and

thirty years, convicted of, or pleading guilty to, the commsision of any criminal offense; and providing for the government and management of said institution; and making an appropriation to carry out the purposes of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twenty-four years of age.

Which was committed to the Committee on Judiciary General.

House Bill No. 2601 (Senate Bill No. 1341), entitled:

An Act to amend sections two and four of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1415), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties, as a public park and pleasure-ground, to be known as 'Bucktail State Park;' and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth," further defining the control rights of the Department of Forests and Waters over private lands; and providing for the acquisition thereof.

Which was committed to the Committee on State Government.

House Bill No. 2668 (Senate Bill No. 1342), entitled:

An Act to amend section two hundred three of the act approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 565), entitled "Department of Banking Code" by making the moneys in the Banking Department Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

Which was committed to the Committee on Banking.

HOUSE CONCURS IN SENATE BILL NO. 42

He also returned to the Senate, Senate Bill No. 42, entitled:

A supplement to the act, approved the eighteenth day of June, one thousand nine hundred and twenty-three (P. L. 840), entitled "An act concerning declaratory judgments and decrees, and to make uniform the law relating thereto," prescribing the practice to be pursued in such proceedings.

with the information that the House has passed the same without amendment.

FIRST CLASS TOWNSHIP LAW OF JUNE 24TH. 1931 TO BE PRINTED.

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on State Government.

In the House of Representatives, February 26, 1935.

Resolved (if the Senate concur), That the Legislative Reference Bureau is hereby directed to have printed, as a legislative document, three thousand copies of the First Class Township Law of June 24th, 1931 (P. L. 1206), with all amendments thereto, up to and including the regular session of one thousand nine hundred thirty-five to be distributed as follows: 500 copies for the use of the Senate, 1,000 copies for the use of the House of Representatives, 300 copies for the use of the Legislative Reference Bureau, and the remaining copies to be distributed and sold by the Division of Documents, of the Department of Property and Supplies, in the manner provided by law.

BELL TELEPHONE COMPANY URGED TO DISCONTINUE SERVICE CHARGE ON SPECIALLY DESIGNED TELEPHONES

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on State Government.

In the House of Representatives, May 7, 1935.

Whereas, The Bell Telephone Company of the State of Pennsylvania practically monopolizes the telephone industry in this Commonwealth, and

Whereas, Said Telephone Company collects a twenty-five cent service charge for the first two years' use of French Telephones, therefore, be it

Resolved (the Senate concurring), That the General Assembly requests the Public Service Commission of this Commonwealth to urge the Bell Telephone Company to discontinue any further service charge in the amount of twenty-five cents per month, or any other sum, for the use of French, or any other specially designed telephone.

REPORTS FROM COMMITTEES

Mr. ZEISENHEIM from the Committee on Education, reported as committed, or as amended, Senate Bill No. 332 (House Bill No. 547), entitled:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for present employe as defined in the act to elect to be covered by the Retirement System and providing for the making of back contributions

Mr. BATCHELOR from the Committee on Labor and Industry reported as committed, Senate Bill No. 167, entitled:

An Act to amend section two thousand two hundred and four of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commisssions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments. boards and commissions shall be determined" providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such data and statistics as are required to be furnished that department by the Department of Internal Affairs.

Also from the Committee on Education reported as committed, Senate Bill No. 521, entitled:

An Act to further amend clauses twenty and twenty-one of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of

Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the benefits of State appropriations to teachers employed after the making of the annual certificates.

Mr. HARRIS from the Committee on Labor and Industry, reported as committed, Senate Bill No. 52, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups, and to approve or disapprove their incorporation or right to do business within the Commonwealth.

Mr. McGINNIS from the Committee on County Government, reported as committed, Senate Bill No. 1262, entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class.

Mr. BAUMER from the Committee on Labor and Industry, re-reported as amended, Senate Bill No. 19, entitled:

An Act to amend sections two, four, five, eight, eleven, twelve, seventeen, twenty-one and twenty-two, and to repeal section three as amended, sections thirteen, sixteen and nineteen, of the act, approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors: by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by prohibiting employment of minors between fourteen and sixteen years of age, except in certain types of work which will not interfere with school attendance, further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work, and the hours of labor, further regulating employment certificates, and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates.

Mr. SONES from the Committee on Labor and Industry, reported as amended, Senate Bill No. 575 (House Bill No. 1220), entitled:

An Act to amend clause (e) of section five of the act approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an appropriation," by providing for furnishing artificial limbs to children over ten years of age.

Mr. RODGERS from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to section, article eighteen of the Constitution of the Commonwealth of Pennsylvania.

BILLS INTRODUCED

Mr. REED (Dauphin) read in his place and presented to the Chair, Senate Bill No. 1343, entitled:

An Act to amend clause (b) as amended, of section two thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions defining the powers and duties of the Governor and other executive and administrative officers ,and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," defining the qualifications of Capitol police.

Which was committed to the Committee on State Government.

Mr. HARVEY read in his place and presented to the Chair, Senate Bill No. 1344, entitled:

An Act to amend section five of the act approved the twenty-third day of June one thousand nine hundred and eleven (P. L. 1123) entitled "An act establishing in each county a board of viewers prescribing their duties, providing for their appointment as viewers road juries, juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries, costs and expenses thereof" as amended by changing the qualifications of the members of the juries of view, road juries and commissioners to view land.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair, Senate Bill No. 1345, entitled:

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimir Pulaski.

Which was committed to the Committee on Appropriations.

Mr. SALUS read in his place and presented to the Chair, Senate Bill No. 1346, entitled:

An Act to amend section one of the act approved the .....day of May, one thousand nine hundred thirty-five (P. L. ....), entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class," by changing the date on which the instalment payments provided therein shall commence.

Which was committed to the Committee on Judiciary General.

Mr. HOMSHER read in his place and presented to the Chair, Senate Bill No. 1347, entitled:

An Act making an appropriation to the Lancaster General Hospital, Lancaster, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1348, entitled:

An Act making an appropriation to the Lancaster County Tuberculosis Society, Rossmere, Lancaster County, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1349, entitled:

An Act making an appropriation to the Thaddeus Stevens Industrial School, of Lancaster, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1350, entitled:

An Act making an appropriation to the Home for Friendless Children, of Lancaster, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. KAHLE read in his place and presented to the Chair, Senate Bill No. 1351, entitled:

An Act to amend section thirteen of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the ennumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties;" requiring dogs brought into the State for hunting to be licensed.

Which was committed to the Committee on Game and Fisheries.

RESOLUTION RELATIVE TO BILLS COMPRISING THE RELIEF TAX PROGRAM

Mr. HARRIS. Mr. President, I have been reliably informed that the Federal Administrator, Harry L. Hopkins, has said he will accept from the Legislature a resolution dealing with relief, in the event the bills are delayed in preparation; and I therefore present this resolution, but do not ask for immediate consideration of it, merely offering it so that it will be before the Senate if it becomes necessary to use it.

The resolution was twice read as follows:

In the Senate, May 15, 1935.

Whereas, The Relief Administrator Harry Hopkins has decided and has definitely stated that the Commonwealth of Pennsylvania must assure him by May 15, 1935 that legislation will be enacted that will produce Sixty Million Dollars for relief before the Federal Government will allocate to Pennsylvania Federal funds to be used for relief purposes;

Whereas, The failure to pass such legislation will almost immediately cause a discontinuance of relief in Pennsylvania, resulting in untold suffering, starvation and may lead to conditions with which our Peace Officers would be unable to cope;

Whereas, The Republican Senators in Caucus, by their representatives, submitted to the Governor a program formulated to produce almost Sixty Million Dollars with the definite promise to have all of the bills reported out for action, and, while no assurance was given the Governor that all of the 31 Republican Senators would vote for all this program, it was the concensus of opinion of the Republican Caucus that the number of Republican Senators who would vote for this program, joined with the 19 Democratic Senators, would give a sufficient number of votes for its passage;

Whereas, A copy of the program submitted to the Governor is attached;

Resolved, That the Clerk of the Senate read each item of this program separately and that the roll be called and the vote recorded on each of the items in the said program;

Resolved, That the Members of this body tonight by their votes indicate what their votes will be when this legislation comes before them for final passage;

Resolved, That the House of Representatives be requested to pass a resolution indicating that they have already passed or intend to pass legislation that will assure the raising of the amount requested by Administrator Hopkins;

Resolved, That if and when these Resolutions are passed, copies of such Resolutions be directed by the Chief Clerks of the Senate and of the House to Relief Administrator Harry Hopkins at Washington, D. C.

Six per cent net income tax	$12,675,000.00
Cigarette tax	5,000,000.00
Documentary tax	2,500,000.00
Check tax	3,000,000.00
One-cent gas tax	11,000,000.00
One mill mercantile tax	3,000,000.00
Equalization of foreign corporation tax	1,500,000.00
Escheat tax	500,000.00
Repeal of manufacturers exemption	16,500,000.00
Six mill increase utilities tax	2,000,000.00
	$57,675,000.00

The PRESIDENT. Does the Senator from Allegheny, Mr. Harris, ask for immediate consideration of the resolution?

Mr. McCLURE. Mr. President, I object.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, does not ask for immediate consideration.

Mr. BUCKMAN. Mr. President, I move that the resolution, which was read from the desk, be referred to the Committee on Finance.

The PRESIDENT. The Chair was about to suggest, in view of the Finance Committee's handling these matters, that it might be well, in line with the spirit of the Senator who presented the resolution, that the resolution be permitted to lie on the table pending consideration of these matters, while the bills are with the committee.

Mr. BUCKMAN. Mr. President, I insist upon my motion.

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON (Centre). Mr. President, I think that we should act just as expeditiously upon this resolution, or some resolution of a similar nature, as it is possible to do under the circumstances. I have been informed this morning that relief did stop in Pennsylvania at noon today; and I think we should dispose of this with as great expedition as possible, to relieve any condition that might arise out of that situation.

Mr. McCLURE. Mr. President, the committee composed of Republicans and Democrats had a meeting in the office of the President Pro Tempore of the Senate, and we have agreed to pass a resolution for $3,000,000; and we were just informed by the Administration that the resolution was on its way to this body. That is the reason I object to the passage of this particular resolution, which had not been called to our attention.

Mr. GELDER. Mr. President; I would like to call the attention of the Senate to the fact that yesterday we passed finally an appropriaion bill transferring $3,000,000 from the General Fund, which bill is now in the House.

Mr. OWLETT. Mr. President, the understanding, as I understand it, is that the House will pass a resolution agreeing to pass the bill already passed by the Senate. It takes no action by the Senate, of any kind. We have appropriated $3,000,000.00, by this Senate, for unemployment relief, as required by Mr. Hopkins; and it is supposed that the House will pass a resolution to adopt that bill, which, we understand and expect, will take care of the situation,

Mr. HARRIS. Mr. President, in reply to the Senator from Delaware, Mr. McClure, when he said that I had not called this to their attention, I beg to remind him and the other members of the Senate that I did call this to the attention of the Senators—that I had such a resolution—on Monday night, and that I would present it on Wednesday. That I did.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

SECRETARY TO PERFORM DUTIES OF CHIEF CLERK

Mr. HOMSHER offered the following resolution, which was twice read, considered and agreed to:

In the Senate of Pennsylvania, May 15, 1935.

Resolved, That during the absence and inability of the Chief Clerk of the Senate to act, the powers and duties of the Chief Clerk shall be exercised and performed by the Secretary of the Senate.

RECESS

Mr. CLARK. Mr. President, I have been informed that the amendments to the taxbills will in all probability be prepared and ready for consideration by two o"clock, when we will proceed with the calendar. I, therefore, move that the Senate do now take a recess until two o'clock this afternoon.

Mr. HUFFMAN. Mr. President. I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO-TEMPORE (Mr. John G. Homsher) in the Chair.

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on Constitutional Changes reported as committed, Senate Bill No. 706, entitled:

A Joint Resolution proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty-eight providing for one general court of common pleas

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from the committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED (Dauphin) from the Committee on County Government reported as committed, amended, Senate Bill No. 1294, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, by providing that bonds or other obligations issued by a municipal corporation secured alone upon assessments for public improvements and afterwards made valid debts of the municipal corporation by act of the Assembly may be funded by the issuance of bonds pursuant to the provisions of this act.

Also from the Committee on County Government reported as committed, Senate Bill No. 1295, entitled:

An Act to ratify, confirm and validate as debts of the municipality improvement bonds or obligations by any other name issued by municipal corporations for the payment of the cost of public improvements for the purpose of paving or macadamizing or otherwise improving the roadway of any highway, street or alley or part thereof in any such municipality, or for the payment of the cost of construction of any sewer or sewers, which improvement bonds or obligations were to rest alone for their security and payment upon assessments upon property for such cost, and to authorize the municipal corporation to fund such debts by the issuance of bonds to provide for their payment.

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Approprirations reported as committed, Senate Bill No. 1350, entitled:

An Act making an appropriation to the Home for Friendless Children, of Lancaster, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1349, entitled:

An Act making an appropriation to the Thaddeus Stevens Industrial School, of Lancaster, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1348, entitled:

An Act making an appropriation to the Lancaster County Tuberculosis Society, Rossmere, Lancaster County, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1347, entitled:

An Act making an appropriation to the Lancaster General Hospital, Lancaster, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1345, entitled:

An Act making an appropriation to the Department of Property and Supplies to erect a rmonument or memorial to Brigadier General Casimir Pulaski.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1327 (House Bill No. 1204), entitled:

An Act making an approrpriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Judiciary General, reported as committed, Senate Bill No. 1346, entitled:

An act to amend section one of the act, approved the —— day of May, one thousand nine hundred and thirty-five (P. L. —), entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class," by changing the date on which the instalment payments provided therein shall commence.

Mr. BEAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BEAN from the Committee on Judiciary General, reported as amended, Senate Bill No. 1128, entitled:

An Act to protect the owners of mortgaged property by limiting the amount of deficiency judgments.

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Constitutional Changes, reported as amended, Senate Bill No. 106, entitled:

A Joint Resolution proposing an amendment to section one, article eleven of the Constitution of the Commonwealth of Pennsylvania.

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on State Government, reported as committed, Senate Bill No. 1341 (House Bill No. 2601), entitled:

An Act to amend sections two three and four of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1415), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties, as a public park and pleasure-ground, to be known as 'Bucktail State Park'; and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth," further defining the control rights of the Department of Forests and Waters over private lands; and providing for the acquisition thereof.

Also from the Committee on State Government reported as committed, Senate Bill No. 1334 (House Bill No. 2302), entitled:

An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor.

BILLS INTRODUCED

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM read in place and presented to the Chair, Senate Bill No. 1352, entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools.

Which was committed to the Committee on Appropriations.

Mr. MALLERY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair, Senate Bill No. 1353, entitled:

An Act placing certain burden of proof upon the owners of motor vehicles when sued for damages for the death or injury of persons or injury to property caused by the operation of such motor vehicles while being operated by others.

Which was committed to the Committee on Judiciary General.

Mr. PYTKO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO read in place and presented to the Chair, Senate Bill No. 1354, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by defining additional game fish; providing additional methods of taking game fish; and changing the reason and creel limits.

Which was committed to the Committee on Game and Fisheries.

Mr. McCREESH. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH read in place and presented to the Chair, Senate Bill No. 1355, entitled:

An Act to amend section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by removing the restriction as to promotion appointments.

Which was committed to the Committee on Municipal Government.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 928 (House Bill No. 1082), as follows:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonweaith of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined [to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaption of lenses for the correction and aid of the vision of human beings] as

The correction of faulty and defective vision without the use of drugs using instead all or any mechanical method or appliance

A person engages in the "practice of optometry" within the meaning of this act who examines or attempts to examine the eyes of any person for the purpose of prescribing glasses or lenses in any form or who holds himself or herself out to the public as being able or legally authorized so to do

Section 2 Sections five and six of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 5 Every person desiring to commence the practice of optometry or if now in practice to continue the practice thereof after January first one thousand nine hundred and eighteen except as herein otherwise provided shall take the examination provided in this act and satisfy the other requirements hereof as here provided Any person who has been engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of this act or for one year in this and for the year preceding it in another State and is of good character shall be entitled to take a limited examination covering the following only

(a) The limitation of the sphere of optometry

(b) The necessary scientific instruments used

(c) The form and power of lenses used

(d) A correct method of measuring presbyopia hypermetropia myopia and astigmatism

(e) The writing of formulae or prescriptions for the adaption of lenses in aid of vision

The board shall also permit the taking of limited examinations by and the license of any person who shall apply therefore before the first day of January one thousand nine hundred and twenty-two who at the time of the passage of the act to which this is an amendment or the time when the limited examinations under said act were held was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was at such time or times otherwise unavoidably absent from this State or was physically handicapped and unable to take such examination Provided however That any such person shall have engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of the act to which this is an amendment or for one year in this Commonwealth and one year in another State and shall be of good character

Any person who at the time of the passage of the act to which this is an amendment was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was otherwise unavoidably absent from this State or was physically handicapped and unable to take the examination and who was actually engaged in the practice of optometry but who had engaged in such practice less than two years and any person over the age of twenty-one years of good moral character who has a preliminary education equivalent to two years of the course of high school and after the first day of January one thousand nine hundred and twenty-five has had a preliminary education equivalent to a four year high school course whose standard is approved by the Department of Public Instruction which preliminary education shall be ascertained by examination or by acceptable certificate as to credentials for work done in such approved institution and has graduated from a school or college of optometry approved by the Department of Public Instruction as recommended by the State Board of Optometrical Examiners on satisfactory completion of a course in optometry of not less than three years shall be entitled to take a standard examination Such courses shall be not less than thirty-four weeks of attendance in each calendar year with a total of at least one thousand hours of actual classroom laboratory and clinical instruction Such schools of optometry to be approved must have a separate classroom for each class and have separate laboratories adequately equipped with suitable apparatus for individual instruction in gross anatomy histology chemistry physiology and physiological optics geometrical and physical optics and physics and ophthalmic mechanics The faculty shall consist of a sufficient number of qualified instructors to teach the subjects

of the course The clinic shall consist of sufficient space and equipment to take care of a sufficient number of patients to provide at least four hundred clinic hours for each senior student

Said standard examination shall consist of tests in practical theoretical and physiological optics in theoretical and practical optometry and in the anatomy and physiology of the eye and in pathology as applied to optometry Provided That any person not less than twenty-one years of age who is actually engaged in the practice of optometry at the time of the passage of this act shall be entitled to take the standard examination merely upon proof to the board that he is of good moral character and is not addicted to the intemperate use of alcohol or narcotic drugs

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee In case of failure at any limited examinatioon the applicant shall have the privilege of continuing the practice of optometry and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optometry in this Commonwealth Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office or place of business wherein said person shall practice optometry together with the photograph of said person attached to the lower right hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board Peddling from door to door practicing under any other name but that of a holder of a certificate of licensure or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office or place of business is specifically forbidden under penalty of revocation of certificate by the board except that optometrical service may be rendered in their home to patients who are physically unable to visit the certificate holders' offices Certificate holders may however establish a branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination [and is in charge of a regular licensed optometrist] Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board Each person to whom a certificate has been issued by said board shall before practicing under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 3 Section nine of said act as amended by the act approved the twentieth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws twenty-six) is hereby further amended to read as follows

Section 9 The State Board of Optometrical [Education Examination and Licensure] Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit practicing under any other name but that of a holder of a certificate of licensure or the peddling from house to house or person to person or the establishment of temporary offices or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical business in which untruthful statements are made [or the failure to deliver the certificates provided for in section six of this act] or false or fraudulent or deceptive or misleading advertising or what is commonly known as "bait" advertising or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

Section 4 Sections eleven and twelve of said act as amended by said act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 11 [Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthalmologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or the treatment or diagnosis of diseases of or injuries to the human eye or the right to use drugs or medicines in any form for the treatment or examination of the human eye] Nothing in this act shall be construed as conferring on the holder any title or word indicating that he is engaged in any other practice other than that of optometry The title "Doctor" or the abbreviation "Dr" shall not be used before the name of any registered optometrist without the word "optometrist" following the name immediately following and in conjunction therewith

Section 12 The provisions of this act shall not apply to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery

Section 5 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional provision not been included therein

And the amendments made theeto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. REED (Dauphin). Mr. President, I move to reconsider the vote by which this bill passed third reading.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that the bill be recommitted to the Committee on Public Health for amendment.

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Sernate agree to the motion?

Mr. ARON. Mr. President, I hope that the Senate will not recommit this bill to the Committee on Public Health, because I see no reason why that should be done. This bill has been on the calendar for a week, and day after day I agreed that the bill go over in its order, so that the Senator from Dauphin, Mr. Reed, and his friends, if they had any suggestions to make regarding changes, might have an opportunity to present them, and we would have been glad to receive them; and up to the present moment there have been conferences and meetings between those who favored the bill and those who objected to the bill, and we have not been able to reach an agreement; and we have decided that we were going to vote on this bill, win or lose. Therefore, I hope the Senator will not favor this motion.

Mr. REED (Dauphin). Mr. President, my reason for making this motion is that I do not want to be placed in the position of opposing the bill. The purpose of the bill is a laudable one, in my judgment, it being to better define the practice of optometry, and to protect that particular department from charlatans who may commit fraud; but as the bill is drawn it is, in my opinion, building up optometry at the expense of osteopathy, and at the expense of chiropractors who are licensed to practice, and, possibly, at the expense of others in Pennsylvania, I think.

POINT OF ORDER

Mr. ARON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Aron, will state his point of order.

Mr. ARON. Mr. President, the Senator from Dauphin, Mr. Reed, is debating the merirts of the bill; and that is not in order at this time.

The PRESIDENT. The Chair is of the opinion that the point of order taken by the Senator from Philadelphia, Mr. Aron, is well taken; and the Senator from Dauphin, Mr. Reed, will confine himself to the motion.

Mr. REED (Dauphin). Mr. President, I think that it is better that this bill be amended and put in satisfactory shape rather than that the issues be drawn at this time. Therefore, I hope the bill will be recommitted, so that it may be amended and put in proper form.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED (Dauphin) and Mr. HOWELL, and were as follows, viz:

YEAS—26

Batchelor,	Graff,	Owlett,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Kahle,	Reed,	Staudenmeier,
Bennett,	Lanius,	(Dauphin)	Trainer,
Buckman,	Law,	Rice,	Ziesenheim,
Cavalcante,	McClure,	Roberts,	Homsher,
Chapman,	Norton,	Rupp,	Pres. Pro. Tem.

NAYS—21

Aron,	Harris,	McGinnis,	Rodgers,
Clark,	Harvey,	Miller,	Thompson,
Coyne,	Howell,	Pytko,	(Centre)
Ealy,	Hunsicker,	Rankin,	Thompson,
Frey,	Mallery,	Reed,	(Westmoreland)
Gelder,	McCreesh,	(Washington)	Woodward,

So the question was determined in the affirmative.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1070 (House Bill No. 1641), as follows:

An Act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm produce conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following terms shall unless the context otherwise indicates have the following respective meanings

(a) The term 'farm produce" shall include all agricultural horticultural vegetable fruit and floricultural products of the soil poultry eggs nuts flowers and honey but shall not include timber products tea or coffee

(b) The term "on consignment" shall mean any receiving or sale of farm produce for the account of a person other than the seller wherein the seller acts as the agent for the owner

(c) The term "net return basis" shall mean a purchase for sale of farm produce from a producer or shipper at an unfixed or unstated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbiter of the price to be paid

(d) The term "commission merchant" shall include every person association copartnership or corporation who or which receives sells or offers for sale on consignment or on a net return basis within this Commonwealth any kind of farm produce

(e) The term "Department" shall mean the Department of Agriculture of this Commonwealth

Section 2 The provisions of this act shall not apply to

(a) The sale of farm produce at public auction by a duly licensed auctioneer acting as the agent of another to whom such farm produce shall have been consigned

(b) Farm produce purchased outright and unconditionally or for cash f o b point of origin

(c) Farmers who sell produce for themselves and their neighbors in farmers markets or at roadside

(d) Seeds sold at retail

(e) Agricultural cooperative associations which market farm produce for their members

Section 3 It shall be unlawful for any commission merchant to operate as such at any place of business in this Commonwealth unless he or it shall hold a license issued by the Department for such place of business as in this act provided

Section 4 Every commission merchant desiring to transact business within this Commonwealth shall annually on or before June first file an application for such license with the Department The application shall be on a form furnished by the Department and together with such other information as the Department shall require shall state

(a) The kind or kinds of farm produce which the applicant proposes to handle

(b) The full name or title of the applicant or if the applicant be an association or copartnership the name of each member of such association or copartnership or if the applicant be a corporation the name of each officer of the corporation

(c) The names of the local agent or agents of the applicant if any

(d) The cities boroughs towns and townships within which places of business of the applicant will be located together with the street or mailing address of each

Section 5 Unless the Department refuses the application on one or more of the grounds hereinafter provided it shall issue to such applicant upon the payment of proper fees and the execution and delivery of a bond as hereinafter provided a license entitling the applicant to conduct business as a commission merchant at each place named in the application until the first day of July in the year next following The fee for such license shall be ten dollars ($10) for each place of business which the applicant desires to conduct and names in the application

Section 6 Before any license shall be issued the applicant therefor shall make and deliver to the Department a surety bond in the amount of at least one thousand dollars ($1,000) or in such greater amount as the Department may determine based on the amount of business done or estimated to be done in the future by the applicant executed by a surety corporation authorized to transact business in this Commonwealth to the Commonwealth of Pennsylvania to the use of consignors of farm produce handled by the applicant Such bond shall be conditioned to secure the faithful accounting for and payment to consignors of the proceeds of all farm produce handled or sold by such commission merchant Actions or suits upon the appropriate bond may be brought directly by any consignor his representatives successors or assigns to whom the principal named in such bond has failed to render an account or to make payment for farm produce in any court of competent jurisdiction to recover for any loss or damage resulting from such breach of the condition of such bond Provided however That in lieu of such bond the Department may accept and hold sufficient collateral of the applicant which shall in all respects be subject to the same claims and actions as would be against the bond

Section 7 Every commission merchant shall upon the receipt of farm produce and as he handles and disposes of the same make and preserve for at least one year a record thereof specifying the name and address of the consignor the date of receipt the kind and quality of such produce the amount of goods sold the name and address of the purchaser except that where sales total less than five dollars ($5) in value such sales may be made to order of "cash" the selling price thereof and the items of expenses connected therewith and an "account sales" together with payment in settlement for said shipment shall be mailed to the consignor within forty-eight hours after such sale unless otherwise agreed in writing

Section 8 The Department shall have power to investigate upon complaint in such form as it may require of an interested person or upon its own initiative the record of any applicant or licensee or any transaction involving the solicitation receipt sale or attempted sale of farm produce on a consignment or net return basis the failure to make proper and true accounts and settlements at prompt and regular intervals the making of false statements as to condition quality or quantity of goods received or while in storage the making of false statements as to market conditions with intent to deceive or the failure to make payment for goods received or other alleged injurious transactions and for such purposes the Department may examine at the place or places of business of the applicant or licensee that portion of his ledgers books of accounts memoranda or other documents which relate to the transactions involved and may take testimony thereon under oath

Section 9 The Department may decline to grant a license or may revoke a license already granted if it is satisfied that the applicant or licensee has either

1 Had a money judgment entered against him upon which execution has been returned unsatisfied or

2 Made false charges for handling or services rendered or

3 Failed to account promptly and properly or to make settlements with any consignor or

4 Made any false statement or statements as to condition quality or quantity of goods received or held for sale on consignment or on a net return basis when he could have ascertained the true condition quality or quantity by reasonable inspection or

5 Made any false or misleading statements as to market conditions or service rendered or

6 Been guilty of a fraud in the attempt to procure or the procurement of a license or

7 Directly or indirectly purchased farm produce for his own account without prior authority therefor or without notifying the consignor thereof

Section 10 Before the Department shall decline to license an applicant or shall revoke the license of a licensee it shall give ten days notice by registered mail to such applicant or licensee of a time and place of hearing At such hearing the applicant or licensee shall be privileged to appear in person or by or with counsel and to produce witnesses After such hearing the Department shall take such action as it shall deem appropriate under the facts as it believes them to be

Section 11 Any commission merchant aggrieved by any decision of the Department shall have the right of appeal therefrom to the court of common pleas of Dauphin County

From a decision of the court of common pleas of Dauphin county an appeal may be taken by either party to the Superior or Supreme Court of Pennsylvania as in other cases

Pending final disposition of an appeal under this section the Department may for special cause shown grant temporary permission revokable at any time and subject to such terms and conditions as the Department may prescribe to transact business as a commission merchant under this act but unless such permission be granted any applicant to whom a license has been refused and any licensee whose license has been revoked by the Department who shall do business as a commission merchant shall be liable therefore to the same extent as if no application had been filed

Section 12 Any commission merchant violating the provisions of section three of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred ($300) nor more than five hundred dollars ($500) or imprisonment for not more than one year or both at the discretion of the court

Section 13 The Attorney General at the instigation of the Department may in the name of the Commonwealth institute proceedings in equity in the court of common pleas of Dauphin county for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 14 The Department shall be charged with the enforcement of this act All money received from license fees and fines shall be immediately paid by the Department into the State Treasury through the Department of Revenue

Section 15 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,
Graff,	McGinnis,		

NAYS—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 39, as follows:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes and farm labor by regulating under the police power of the Commonwealth the minimum wage which shall be paid to such women and minors providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General the Department of Labor and Industry and the Secretary of Labor and Industry imposing certain duties on employers and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following terms shall be construed to have the following meaning except in those instances where the context clearly indicates otherwise

(a) "Secretary" shall mean the Secretary of Labor and Industry

(b) "Wage board" shall mean a board created as provided in section five of the act

(c) "Women" shall mean females of twenty-one years or over

(d) "Minor" shall mean a person of either sex under the age of twenty-one years

(e) "Occupation" shall mean an industry trade business or branch thereof or class of work therein in which women or minors are gainfully employed as enumerated classified and tabulated by the Department of Labor and Industry but shall not include domestic service in private homes or labor on a farm

(f) "An oppressive an unreasonable wage" shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health

(g) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered In establishing a minimum fair wage for any service or class of service under this act a wage board shall take into account all relevant circumstances affecting the value of the service or class of service rendered and be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid and may consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

(h) "A mandatory order" shall mean an order the violation of which shall be subject to the penalties prescribed in section fifteen (b) of this act

(i) "The court" shall mean any court of common pleas of the Commonwealth having appropriate jurisdiction as provided in section four of this act

(j) "Employer" shall refer equally to a corporation partnership or other legal entity as well as to an individual

Section 2 It is hereby declared to be against the public policy of the Commonwealth for any employer to employ a woman or a minor in any occupation in this Commonwealth at an oppressive and unreasonable wage Any contract agreement or understanding for or in relation to such employment at an oppressive and unreasonable wage shall be null and void

Section 3 The Department of Labor and Industry is required to keep complete and accurate records of all employers in occupations as defined in section one clause (e) of this act and to classify the same in such manner as will best effect the purposes of this act and the secretary shall have full power and authority

(a) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(b) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of examining and inspecting records required to be kept under this act and for the purpose of ascertaining whether orders of the courts have been and are being complied with and

(c) To require from such employer full and correct statements in writing of the wages paid to all women and minors in his employment

Section 4 The secretary shall have the power and it shall be his duty on the petition of fifty or more qualified voters of the Commonwealth to cause an investigation to be made of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages If on the basis of information in the possession of the secretary with or without a special investigation the secretary is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages he shall petition the court of common pleas of the county where the persons alleged to be receiving oppressive and unreasonable wages are employed setting forth the facts and asking the court to appoint a wage board to report upon the establishment of minimum fair wage rates for such women or minors in such occupation or occupations

Section 5 (a) A wage board shall be composed of a representative of the employers in such occupation a representative of the employes in such occupation and a disinterested person representing the Commonwealth one of whom shall be designated as chairman shall be forthwith appointed by the court Members of a wage board shall be citizens of Pennsylvania The representatives of the employers and employes shall be selected by the court so far as practicable from nominations submitted by employers and employes in such occupation Two-thirds of the members of such wage board shall constitute a quorum and the report of such wage board shall require a vote of two members with the right of a dissenting member to file a minority report Members of a wage board shall receive such compensation as the court shall direct not exceeding five dollars per day for every day that testimony is actually taken and in addition shall be reimbursed for all necessary traveling expenses from moneys appropriated for such purposes by the Commonwealth The wage board shall appoint a competent stenographer ap-

proved by the court who shall transcribe all testimony and who shall receive such compensation as may be approved by the court not however exceeding the compensation customarily allowed court stenographers acting under the jurisdiction of the said court

(b) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence relative to any matters under investigation Such subpoenas shall be signed and issued by the chairman of the wage board and shall be served and have the same effect as if issued out of the court A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for depositions in civil actions in the courts of common pleas

(c) The secretary shall furnish to a wage board a complete list of the names and addresses of all employers of women and minors of the occupation complained of and the wage board shall take no testimony until all employers whose names and addresses have been so furnished shall have had at least five days' notice by registered letter of the time and place of meeting of the wage board but a failure to properly designate the employer shall have not avoid the legality of the notice provided a correct address is given and the notice is actually received by the employer or his officer or agent The secretary shall cause to be brought before the committee any witnesses whom he deems material A wage board may summon other witnesses or call upon the secretary to furnish additional information to aid it in its deliberations

All witnesses subpoenaed by the wage board shall be entitled to the fees and mileage fixed by law in civil cases which shall be paid from appropriations made for such purposes In case of failure on the part of any person to comply with any subpoena of the wage board or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board it shall be the duty of the court on the application of two members of the wage board to compel obedience in the same manner that such obedience would be compelled by contempt proceedings or otherwise in a proceeding pending before said court

(d) Within sixty days of its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate If its report is not submitted within such time the court may on application to it compel its final report within a fixed time thereafter not exceeding thirty days or constitute a new wage board and direct all testimony papers and other records to be turned over to the new board and testimony theretofore taken shall be considered in evidence by the new board

(e) A wage board may recommend minimum fair wage rates varying with localities if on the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(f) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations

Section 6 The report of a wage board shall be filed with the court and within ten days thereafter any party in interest may file exceptions thereto If exceptions are filed by any party in interest the court shall fix a day for argument to be held within ten days of the filing of such exceptions The court shall review the report of the wage board and may in its discretion review the testimony and after argument where exceptions are filed shall approve modify or disapprove the report as in its judgment is deemed fair and equitable The court may resubmit the matter to the same wage board or to a new wage board by it appointed with a statement of the reasons for the resubmission When the court makes any final order on a wage board report it shall file all testimony and exhibits in the office of the prothonotary

Section 7 Whenever the court shall enter any order on the report of a wage board the court shall if no appeal has been taken or after an appeal has been finally adjudicated issue a mandatory order defining the minimum wages in the occupation as approved by the court The court may also include in its order such regulations as it deems appropriate to safeguard the minimum fair wage standards established and such order shall be effective and binding upon the employer affected by the proceeding

Section 8 If the secretary has reason to believe that any employer is not observing a mandatory order made by the court the secretary may on at least ten days' notice summon such employer to appear before the secretary to show cause why the same be not complied with After a hearing and a finding by the secretary of non-observance the secretary shall refer the proceeding to the Attorney General of the Commonwealth to proceed either by contempt proceedings or otherwise as in the opinion of the Attorney General will best fulfill the purposes of this act

Section 9 At any time after a mandatory order has been in effect for at least six months the secretary may on his own motion and after said order has been in effect at least one year he shall on petition of fifty or more qualified voters of the Commonwealth petition the court to reconsider the minimum fair wage rates set therein and to reconvene the same wage board or appoint a new wage board to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner prescribed in sections six and seven of this act

Section 10 From any report as finally approved by the court an appeal may be taken by any person aggrieved to the Supreme Court The Attorney General of the Commonwealth shall represent women and minors in prosecuting or defending such appeal if the secreatry shall request him so to do and such intervention in the opinion of the secretary is appropriate and necessary to safeguard the interest of women and minors Any such appeal shall be taken within thirty days after the order of the court is made and not thereafter In any such appeal the Supreme Court shall consider the entire record of the proceedings including all testimony and on its own independent judgment determine whether or not the findings made by a wage board as approved by the court below in its order are reasonable and proper The Supreme Court may remit any case back with directions to reform or amplify any findings of facts which it deems necessary

Section 11 Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each the wages paid by him to each and shall furnish to the secretary or a member of any wage board upon demand a sworn statement of the same Every employer subject to a mandatory order shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed Employers shall be furnished copies of orders by the secretary on request without charge

Section 12 (a) Any employer and his agent or any officer or agent of any employer who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this act or because such employer believes that said employe may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this act shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200)

(b) Any employer or his officer or agent who pays or agrees to pay to any woman or minor employe less than the rates applicable to such woman or minor employe less than the rates applicable to such woman or minor under a mandatory order made by the court shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200) or by imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment upon a first conviction and upon a subsequent conviction of violation of the same mandatory or-

der a fine of not less than one hundred dollars nor more than two hundred dollars or by imprisonment of not less than thirty nor more than one hundred eighty days or by both such fine and imprisonment

(c) Any employer or his officer or agent who wilfully violates any other provisions of this act shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100)

Section 13 If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court Any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defense to such action At the request of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the secretary in his discretion may take an assignment of such wage claim in trust for the assigning employe and may bring any legal action necessary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court which fee shall not be less than five per centum of the claim

Section 14 The Legislature shall from time to time make appropriations to the Department of Labor and Industry to pay the expenses of wage boards witness fees and mileage court costs compensation of assistants of wage boards postage telephone telegraph and other miscellaneous expenses and of the Department of Labor and of the Department of Justice

Section 15 If any provisions of this act or the application thereof to any person or circumstance is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 16 Anything herein required to be done by the secretary may be performed by an officer or employe of the Department of Labor and Industry deputized to so act and anything required of the Attorney General of the Commonwealth may be done by a deputy attorney general

Section 17 This act shall take effect thirty days after its enactment into law

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HARRIS. Mr. President, I ask unanimous consent to amend the title on Page 1, by striking out of line 3, the word "and", thus: [and]; amend the title on Page 1, by striking out of line 4, the bracket before the word "and", thus: [[ ]; amend the title on Page 1, by striking out line 4, the bracket after the word "boys", thus: [ ]]; amend Section 1, on Page 2, by striking out of line 20, the bracket before the second word "or", thus: [[ ]; amend Section 1, on Page 2, by striking out of line 23, the bracket after the word "publication", thus: [ ]]; amend Section 2, on Page 4, by striking out of line 3, the bracket before the word "Provided", thus: [[ ]; amend Section 2, on Page 4, by striking out of line 7, the bracket after the word "publication", thus: [ ]]

The PRESIDENT. Is there objection?

Mr REED (Dauphin). Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I will.

Mr. REED (Dauphin). Mr. President, I desire to ask the Senator from Allegheny, Mr. Harris, whether the purpose of the amendment is other than reinserting the provision relating to boys?

Mr. HARRIS. Mr. President, that is all the amendment does, it restores the bill to its former form as it came from the committee.

Mr. REED (Dauphin). Mr. President, I have no objection.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 236, entitled:

An Act to amend section three of the act approved the eighteenth day of April one thousand nine hundred and nineteen (P. L. 70) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn" by providing for the admission in evidence of the protest of nonpayment of checks drafts and orders

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 241, entitled:

An Act to amend section four hundred and two of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended regulating the issuance of special licenses to taxidermists

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—1

McGinnis,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 420 (House Bill Na. 181), entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. RODGERS. Mr. President, with reference to Senate Bill No. 420, in conversation with a member of the Fish commission and a member of the Department of Forest and Waters, they informed me that for many, many years there has been an attempt made to start ell chutes—If you are not familiar with what that is, I will not attempt to tell you—in the Susquehanna river and various other rivers in the State. This is merely a subterfuge. It is an easy way to catch fish, and as I understand it, the Department of Fisheries, of the State is opposed to the placing of these chutes in any of our streams. I merely give that to you for your information. I am not familiar with the catching of fish through an eel chute. I am just making an attempt to inform you that those who, I do believe, know the situation with regard to fishing in his State, are opposed to the placing of eel chutes in any of our streams.

Mr. MILLER. Mr. President, for the information of the Senator from Allegheny, Mr. Rodgers, who evidently is not aware that this law has gone through, and you are permitted to catch eels in the Susquehanna river with eel chutes, this law is just extending the limit. The limit at the present time is at the bridge in Berwick, and we are trying to extend the limit in this bill that you will be able to catch eels in chutes as far up as the Wyoming county line. You may catch eels in chutes, or baskets, whichever you want to call it, in the Susquehanna river as far down as the Clarks Ferry bridge, and as far up as Milton on the one side, and as far as Berwick on the other side of the river, and you may also catch them in the Juniata river. I do know whether you knew that or not, that is the law.

Mr. HARVEY. Mr. President, I would like to correct the Senator from Northumberland, Mr. Miller. This bill has been amended to go only as far as Pittston City, and it does not go above that, where the bass fishing is.

Mr. RODGERS. Mr. President, I still insist that the purpose of a chute is not to catch eels, but to catch fish.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Aron,	Frey,	McClure,	Sones,
Batchelor,	Gelder,	Miller,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Centre)
Buckman,	Harvey,	Prince,	Thompson,
Cavalcante,	Homsher,	Reed,	(Westmoreland)
Chapman,	Howell,	(Dauphin)	Trainer,
Clark,	Huffman,	Rice,	Woodward,
Coyne,	Hunsicker,	Shapiro,	Ziesenheim,
Ealy,			

NAYS—13

Baumer,	Mallery,	Rankin,	Roberts,
Kahle,	McCreesh,	Reed,	Rodgers,
Lanius,	McGinnis,	(Washington)	Rupp,
Law,	Pytko,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 457, entitled:

An Act providing that any order of the juvenile court of any county of the second class or action of any of its probation officers touching the custody of any child under the jurisdiction of said court calculated to effect the liability of said county for the support or maintenance of said child shall in order to affect the county's liability for the same be certified or reported by the clerk chief probation officer or such other person as said court shall designate to the county commissioners of such county with full details within five days after said order is made or action taken and repealing inconsistent legislation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 788 (House Bill No. 676), on third reading, entitled:

An Act to amend sections one and two of the act approved the fifth day of May, one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances, and with the approval of the Governor, to construct, improve or repair, at the expense of the Commonwealth, portions of roads or highways connecting roads or highways lying within areas of State forest lands with State, county or township roads or highways near such areas;" extending the provisions of said act to forest protection roads and fire lanes on private property.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 628, entitled:

An Act permitting courts of this Commonwealth which granted support or alimony to wives in divorce proceedings under the provisions of clause three section one of the act approved the eighth day of May, one thousand eight hundred and fifty-four (P. L. 644) entitled "'A further supplement to the act entitled "An act concerning Divorces," as amended to revoke annual or amend such order after investigation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Sordoni,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 656, entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 657, as follows:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the third and fourth paragraphs of section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (Pamphlet Laws two hundred twelve) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions and compensation of the judges and other officers and the practice and costs on appeals from its judgments" are hereby amended to read as follows

The reporter shall have no pecuniary interest in such reports but the same shall be published under the supervision of the reporter by contract to be entered into by the reporter Secretary of the Commonwealth and Auditor General with the person or persons who in addition to furnishing the State Librarian for library and exchange fifty copies of each volume shall agree to publish and sell the said reports on terms most advantageous to the public and at the lowest price which contract shall be for a term of ten years and shall provide that the said reports shall be printed and published in this Commonwealth and that every volume printed under such contract shall be stereotyped and the plates thereof preserved and be delivered to the Secretary of the Commonwealth as the property of the State within three years after the expiration of the contract and shall provide that all volumes published under such conract shall be kept by the contractor at some convenient place within this Commonwealth to be designated by the said Secretary for the sale at the contract price to all citizens of the Commonwealth desiring

the same during the term of his said contract and for five years thereafter

Before letting any contract as provided by this act the Secretary of the Commonwealth shall give notice of the time and place of awarding the contract by advertising in the newspaper having the greatest circulation in each of the cities of Philadelphia and Pittsburgh once a week for six consecutive weeks immediately preceding the letting of such contract and shall receive sealed proposals or bids and shall award the contract to the lowest bidder who can give the security required by the following clause of this act and who maintains his principal place of business in this Commonwealth

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,
Graff,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 864 (House Bill No. 1776), as follows:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 350) is hereby amended to read as follows

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or it such line is necessary for the service of persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable upon six months written notice by the Commonwealth and upon such other proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe and unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of Compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonweaith Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or

sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I wish someone in the Chamber familiar with this bill, would tell us its present condition, what it means and the maker of it.

Mr. BAUMER. Mr. President, it is simply that some of the people about the sanatorium—their wells have gone dry there, and they want to tap this water for the purpose of getting water. That is all there is to it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 946, entitled:

An Act relating to the buying selling and transportation of live and dressed poultry requiring poultry dealers to be licensed requiring records of sales and purchases of poultry to be kept imposing duties and liabilities on poultry dealers poultry producers and other persons buying and selling poultry and on county farm agents and the Department of Agriculture and prescribing penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. NORTON. Mr. President, I ask unanimous consent to amend title, page 1, line 6 of title, by striking out the word "country" and insert in lieu thereof "county;" also amend section 1, page 1, line 6, by striking out the word "foul" and insert in lieu thereof "fowl"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1006, entitled:

An Act to amend sections four hundred and twenty-three and five hundred and seventy-one of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning township of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the collection of county, township and school taxes by the county commissioners in certain cases; conferring power on school districts and townships with respect to the collection of their taxes; and providing that the bonds of township tax collectors shall be fidelity bonds.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1049, entitled:

An Act to amend clauses (i) and (l) of section two, and section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts

or parts of acts inconsistent with this act," as amended; further defining distilleries and wineries; and providing for the licensure and rights of manufacturers of unfortified wine.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Harris,	McGinnis,	Rodgers,
Batchelor,	Harvey,	Miller,	Rupp,
Baumer,	Homsher,	Norton,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Clark,	Kahle,	Reed,	(Centre)
Coyne,	Lanius,	(Dauphin)	Thompson,
Ealy,	Law,	Reed,	(Westmoreland)
Frey,	Mallery,	(Washington)	Trainer,
Gelder,	McClure,	Rice,	Woodward,
Graff,	McCreesh,	Roberts,	Ziesenheim,

NAYS—3

Bennett,	Chapman,	Owlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1140, entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1656) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid persons and corporations into the county treasury" by limiting the time within which applications therefor may be made

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1184 (House Bill No. 1221), entitled:

An Act to amend a part of section one of the act approved the twelfth day of May, one thousand nine hundred and eleven (P. L. 301), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1232, entitled:

An Act to amend section seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to amend title, page 1, line 1 of itle, by striking out the word "section" and inserting in lieu thereof: "sections one and" amend Section 1, page 1, line 4, by striking out the word "section" and inserting in lieu thereof: "sections one and" amend Section 1, page 1, line 10, by striking out the word "is" and inserting in lieu thereof: "are" amend Section 1, page 1, line 11, by inserting immediately after said line the following: "Section 1. Definition of Terms. Be it enacted, &c., That in this act "conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part

or all of the price or upon the performance of any other condition or the happening of any contingency. "Buyer" means the person who buys the goods covered by the conditional sale, or any legal successor in interest of such person. "Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof are required by this act to be filed. "Goods" means all chattels personal, other than things in action and money, and machinery and equipment attached or to be attached to real estate and includes emblements, industrial growing crops, and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale. "Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer, whether such event is the performance of an act by the buyer or the happening of a contingency. "Person" includes an individual, partnership, corporation, and any other association. "Purchase" includes mortgage and pledge. "Purchaser" includes mortgagee and pledgee. "Seller" means the person who sells the goods covered by the conditional sale, or any legal successor in interest of such person. amend Section 1, page 2, line 1, by inserting a light-faced bracket before the word "First" as follows: "[" Amend Section 1, page 2, line 29, by inserting a light-faced bracket after the word "describing" as follows: "]" Amend Section 1, page 3, line 1, by inserting a light-faced bracket before the word "the" as follows: "[" Amend Section 1, page 3, line 2, by inserting a light-faced bracket after the word "thereto" as follows: "]" Amend Section 1, page 3, line 3, by striking out with dark-faced brackets the word "Fourth" Amend Section 1, page 3, line 5, by inserting after the word "attached" where it appears the second time in said line the following: "or of any operating plant of which they may form a part" Amend Section 1, page 3, line 8, by inserting after the word "any" the following: "mortgagee, encumbrancer owner, purchaser or"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1234, entitled:

An Act making it unlawful to tattoo a minor without the consent of the parent or guardian

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1296, as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school disrict (except school district of the first class) and poor district taxes" by correcting the title and providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" is hereby amended and reenacted to read as follows

An Act [authorizing the abatement of] Abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authrity of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six and twenty per centum on the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight and the final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine (And provided [further] That the respective current taxes for the years during such installment periods shall be paid before they become delinquent Provided further That where any tax for the year one thousand nine hundred and thirty-five became delinquent prior to the effective date of the act to which this is an amendment or becomes delinquent at any time

within thirty days after the effective date of the act to which this is an amendment such tax and any penalties due thereon shall be paid at any time on or before August first one thousand nine hundred and thirty-five in order to receive the benefits of this act

If any taxpayer availing himself of the provisions of this act shall fail to pay any installment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid installment or installments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years and receive the benefit of this act

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Howell,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Daly,	McClure,	Rice,	Woodward
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,		

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 150 (House Bill No. 147), on second reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

go over in its order.

The PRESIDENT. Is there objection The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 234, as follows:

An Act to amend paragraph (a) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred thirty-seven) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" as amended providing that the orphans' court may order the sale of real estate of a decedent upon petition of a majority of the parties in interest

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (a) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred thirty-seven) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" as last amended by section one of the act approved the thirteenth day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred twenty) is hereby further amended to read as follows

Section 23 (a) Whenever any person shall die siezed of real estate and the parties in interest or a majority in interest desire the same to be converted into money for distribution it shall be lawful for the orphans' court of the proper county in its discretion upon the joint petition of the widow and heirs or devisees and the guardians or committees of such as are minors or under disability in whom the real estate of the decedent shall have vested by descent or will and legatees whose legacies are charged on said real estate or the representatives of such as may be deceased or under disability or upon the petition of a majority in interest of them if the court shall deem that a sale upon petition of a majority in interest shall not be prejudicial to the interests of the others or any of them who do not join therein but shall be to the best interests of all concerned to order the executor or administrator or a trustee to be appointed by said court to make sale of said real estate but in no such proceedings shall it be necessary for the spouse or spouses of any such party or parties to join in such petition Such petition shall set forth the description of the property the desire to have the same sold and its estimated value according to the affidavits of two disinterested and competent persons and said petition shall be duly sworn to Said order shall provide that before making sale the executor administrator or trustee shall file a bond with sureties as required in section twenty-five of the Orphans' Court Partition Act of One Thousand Nine Hundred and Seventeen and shall proceed thereafter in all respects in the manner provided by this act in cases of the sale of real estate under proceedings in partition Where only a majority in interest petition the court notice shall be given to those not petitioning in such manner as the court may direct The proceeds of such sale after payment of the expenses thereof shall be distributed to and among those entitled thereto the same as real estate Such sale shall have the same effect in all respects as a public sale in proceedings in partition of real estate under this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 235, as follows:

An Act to amend the title and to reenact subsection (b) of section thirty-five as amended of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows' and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the seventh day of May one thousand nine hundred and seventeen (Pamphlet Laws four hundred and forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows' and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

An Act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows' and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the courts of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents

Section 2 That subsection (b) of section thirty-five of said act as last amended by the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-two) is hereby reenacted to read as follows

(b) Executors or administrators shall have power either alone or jointly with other plaintiffs to commence and prosecute all actions for mesne profits or for trespass to real property and all personal actions which the decedent whom they represent might have commenced and prosecuted except actions for slander and for libels and they shall be liable to be sued either alone or jointly with other defendants in any such action except as aforesaid which might have been maintained against such decedent if he had lived

All such rights of action which were not barred by the statutes of limitation at the time of the death of decedent may be brought against his executors or administrators at any time within one year after the death of the decedent notwithstanding the provisions of any statutes of limitations whereby they would have been sooner barred

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second rading and consideration of Senate Bill No. 484, as follows:

An Act to amend section seven of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machnes may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" as amended further regulating the construction of voting machines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assmbly met and it is hereby enacted by the authority of the same That section seven of the act approved the eighth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation, preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" as amended by the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand one hundred eighty-five) is hereby further amended to read as follows

Section 7 Requirements of Voting Machines No voting machine shall upon any examination or reexamination be approved by the Secretary of the Commonwealth or by any examiner appointed by him unless it shall at the time satisfy the following requirements

(a) It shall provide for facilities for voting for such candidates as may be nominated and upon such questions as may be submitted

(b) It shall permit each voter at other than primary elections to vote a straight party ticket in one operation and in one operation to vote for all the candidates of one party for presidential electors and in one operation to vote for all the candidates of one party for every office to be voted for except those offices as to which he votes for individual candidates

(c) It shall permit each voter at other than primary elections to vote a ticket selected from the nominees of any and all parties from independent nominations and from persons not in nomination

(d) It shall permit each voter to vote at any election for any person and for any office for whom and for which he is lawfully entitled to vote whether or not the name of such person appears upon a ballot-label as a candidate for nomination or election and to vote for as many persons for an office as he is entitled to vote for and to vote for or against any question upon which he is entitled to vote

(e) It shall preclude each voter from voting for any candidate or upon any question for whom or upon which he is not entitled to vote and from voting for more persons for any office than he is entitled to vote for and from voting for any candidate for the same office or upon any question more than once except in districts and for offices where cumulative voting is authorized by law

(f) It shall be capable of adjustment by election officers so as to permit each voter at a primary election to vote only for the candidates for nonpartisan nomination if any and for the candidates seeking nomination by the political party in which he is enrolled if he is enrolled as a member of a political party and so as to preclude him from voting for the candidates seeking nomination by any political party in which he is not enrolled

(g) It shall permit each voter to deposit write in or affix upon receptacles or devices provided for the purpose ballots containing the names of persons for whom he desires to vote whose names do not appear upon the machine

(h) It shall permit each voter to change his vote for any candidate or upon any question appearing upon the ballot labels up to the time he begins the final operation to register his vote or indicates or expresses his intention to register his vote

(i) It shall permit and require voting in absolute secrecy and shall be so constructed that no person can see or know for whom any other elector has voted or is voting save a voter whom he has assisted or is assisting in voting as prescribed by law

(j) It shall have voting devices for separate candidates and questions which shall be arranged in separate parallel rows or columns so that at any primary election one or more adjacent rows or columns may be assigned to the candidates of a party and shall have parallel office columns or rows transverse thereto

(k) It shall have a counter or other device the register of which is visible from the outside of the machine which shall show during any period of voting the total number of voters who have operated the machine during said period of voting

(l) It shall have a protective counter or other device the register of which cannot be reset which shall record the cumulative total number of movements of the operating mechanism

(m) It shall be provided with a lock or locks by the use of which immediately after the polls are closed or the operation of the machine for an election is completed all movement of the registering mechanism is absolutely prevented

(n) It shall be provided with a screen hood or curtain which shall conceal the actions of the voter while voting

(o) It shall be constructed of material of good quality in a neat and workmanlike manner

(p) It shall when properly operated register or record correctly and accurately every vote cast

(q) It shall be so constructed that a voter may readily learn the method of operating it

(r) It shall be safely transportable

(s) It shall be so constructed that each separate voting device which is not to be used at an election shall be locked against use during that election except such construction shall not be required of voting machines now in use or which have been contracted for prior to the passage of this amendment

[(s)] (t) It shall be so constructed and controlled that during the progress of voting it shall preclude every person from seeing or knowing the number of votes registered for any candidate and from tampering with any of the registering mechanism

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 553 (House Bill No. 493), entitled:

An Act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant

And said bill having been read at length the second tie, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 594 (House Bill No. 1128), entitled:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties

The first section of the bill was read as follows, and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Documentary Stamp Tax Act"

The second section of the bill was read as follows:

Section 2 The following words when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporations" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Document" A written instrument including the following

1 Any deed instrument or writing whereby any lands tenements or hereditaments or any interest therein shall be granted bargained sold or otherwise conveyed to the grantee purchaser or any other person

2 Any bond debenture or certificate or evidence of indebtedness of any person and any instrument however termed issued by any corporation with interest coupons attached or in registered form known generally as corporate securities except securities issued by this Commonwealth or any political subdivision thereof or by the United States Provided That every renewal of any of the foregoing documents shall constitute a new issue or document

3 Any written obligation to pay money including any promissory note (except bank notes issued for circulation and notes issued to mutual insurance companies payable only on the happening of certain contingencies) nonnegotiable note judgment note and any executory contract for the payment of money which is executed or caried out in an instrument in writing (except insurance policies checks and drafts) and each renewal of any of the foregoing documents

4 Any mortgage which incorporates the certificate of indebtedness not otherwise shown in a separate instrument

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term person as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Value" (1) In the case of any document representing an obligation to pay money the full amount of such obligation Provided That where a document conditioned upon the repayment or payment of money is given in a penal sum greater than the full amount secured the term "value" shall mean the actual amount secured thereby

(2) In the case of any document granting bargaining selling or otherwise conveying any land tenement or hereditament or interest therein the amount of the actual consideration therefor exclusive of liens or other encumbrances thereon or exclusive of a commensurate part of the liens or other encumbrances thereon where such liens or other encumbrances also encumber other lands tenements or hereditaments Provided That where such document shall set forth a small or nominal consideration the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale or in the case of a gift from the actual monetary worth of the property granted bargained sold or otherwise conveyed which in either event shall not be less than the amount of the highest assessment of such lands tenements or hereditaments for local tax purposes

The singular shall include the plural and the masculine shall include the feminine and neuter

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 2, page 3, line 3, by striking out the words "insurance policies;" also page 3, line 4, by inserting after the word "documents" the following: "Provided, That nothing herein contained shall refer or be construed to extend to contracts of insurance annuity suretyship indemnity and guarantee"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third and fourth sections of the bill were read as follows and agreed to:

Section 3 Every person who makes executes issues or delivers any document or in whose behalf any document is made executed issued or delivered shall be subject to pay for and in respect to such document or for or in respect of the vellum parchment or paper upon which such document is written or printed a State tax at the rate of five cents (5¢) for each one hundred dollars ($100.00) or fraction thereof of the value represented by such document payable at the time of making execution issuance or delivery of such document

Section 4 The payment of the tax imposed by this act shall be evidenced by the affixing of a documentary stamp or stamps to every document by the person making executing issuing or delivering such document Such stamps shall be affixed in such manner that their removal will require the continued application of steam or water and the person using or affixing such stamps shall write or stamp or cause to be written or stamped thereon the initials of his name and the date upon which such stamps are affixed or used so that such stamps may not again be used Provided That the department may prescribe such other method of cancellation as it may deem expedient

The fifth section of the bill was read as follows:

Section 5 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon documents and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the face value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of such sale delivery or consignment to such agent of such stamps All moneys paid into the State Treasury before June first one thousand nine hundred and thirty-six from the stamp tax imposed by this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury on and after June first one thousand nine hundred and thirty-six from said tax shall be credited to the General Fund

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 5, page 5, lines 23 and 24, by striking out the words "before June first, one thousand nine hundred and thirty-six" and insert in lieu thereof "during the first year after the effective date of this act;" also page 5, lines 27 and 28, by striking out the words "on and after June first, one thousand nine hundred and:" also page 6, line 1, by striking out the words "thirty-six from said tax" and insert in lieu thereof "during the remaining effective period of this act"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth, seventh, eighth, ninth and tenth sections of the bill were read as follows and agreed to:

Section 6 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and means to be used in affixing or cancelling of stamps in substitution for or in addition to the method and means provided in this act

(b) The denominations and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 7 No document upon which tax is imposed by this act shall be made the basis of any action or other legal proceeding nor shall proof thereof be offered or received in evidence in any court of this Commonwealth unless a documentary stamp or stamps as provided in this act have been affixed thereto

Section 8 Every document upon which tax is imposed by this act when lodged with or presented to any recorder of deeds or prothonotary in this Commonwealth for recording shall set forth therein and as a part of such document the true full and complete value thereof or shall be accompanied by an affidavit executed by a responsible person connected with the transaction showing such connection and setting forth the true full and complete value thereof

Any such recorder of deeds or prothonotary who shall record any document upon which tax is imposed by this act without the proper documentary stamp or stamps affixed thereto as required by this act as is indicated in such document or accompanying affidavit shall upon summary conviction before any magistrate alderman or justice of the peace or other officer having the powers of a committing magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof undergo imprisonment for not more than ten (10) days Provided That when any document shall have been recorded it shall be presumed that all requirements of law affecting the title to any real property conveyed thereby have been complied with

Section 9 (a) It shall be unlawful for any person to

1. Make execute issue deliver or accept or cause to be made executed issued delivered or accepted any document without the full amount of tax thereon being duly paid or

2. Make use of any documentary stamp to denote payment of any tax imposed by this act without cancelling such stamp as required by this act or as prescribed by the department or

3 Fail neglect or refuse to comply with or violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act

Any person violating any of the provisions of this subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200.00) and costs of prosecution or to undergo imprisonment of not more than sixty (60) days or both in the discretion of the court

(b) It shall be unlawful for any person to

1 Fraudulently cut tear or remove from a document any documentary stamp or

2 Fraudulently affix to any document upon which tax is imposed by this act any documentary stamp which has been cut torn or removed from any other document upon which tax is imposed by this act or any documentary stamp of insufficient value or any forged or counterfeited stamp or any impression of any forged or counterfeited stamp die plate or other article or

3 Wilfully remove or alter the cancellation marks of any documentary stamp or restore any such documentary stamp with intent to use or cause the same to be used after it has already been used or knowingly buy sell offer for sale or give away any such altered or restored stamp to any person for use or knowingly use the same or

4 Knowingly have in his possession any altered or restored documentary stamp which has been removed from any document upon which tax is imposed by this act Provided That the possession of such stamps shall be prima facie evidence of an intent to violate the provisions of this clause or

5 Knowingly or wilfully prepare keep sell offer for sale or have in his possession any forged or counterfeited documentary stamps

Any person violating any of the provisions of this subsection (b) shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than five (5) year or both in the discretion of the court

Section 10 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

The eleventh section of the bill was read as follows:

Section 11 This act shall become effective thirty days after its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 11, page 9, line 17 and 18, by striking out the words "until the first day of June, one thousand nine hundred

and thirty-seven" and insert in lieu thereof "for two years after said effective date"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 647 (House Bill No. 902), entitled:

An Act making a deficiency appropriation to the Department of Military Affairs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 661 (House Bill No. 862), entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

The first and second sections of the bill were read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale The term "retail dealer" shall include every person who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

The third section of the bill was read as follows:

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5.00) for each permit unless the applicant shall be the holder of a mercantile license in effect when the application is made in which case no permit fee shall be required

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5.00) except that no renewal

fee shall be required if the applicant possesses a mercantile license effective when the application is made

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1.00)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

On the question,

Will the Stnate agree to the section?

Mr. COYNE. Mr. President, I move to amend Section 3, page 5, lines 7 and 8, by striking out the following: "five dollars ($5.00)" and insert in lieu thereof "one dollar ($1.00)"; also page 5, line 28, by striking out the following: "five dollars ($5.00)" and insert in lieu thereof "one dollar ($1.00)."

Mr. NORTON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows and agreed to:

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

The fifth section of the bill was read as follows:

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonweath may affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and canceled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be torn and mutilated when the package is opened Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

On the question,

Will the Senate agree to the section?

Mr. COYNE. Mr. President, I move to amend Section 5, page 8, lines 27 and 28, by striking out the words "torn and mutilated when the package is opened" and insert in lieu thereof "visible to the purchaser."

Mr. NORTON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows:

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cigarettes and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

On the question,

Will the Senate agree to the section?

Mr. COYNE. Mr. President, I move to amend Section 6, page 9, line 9, by striking out the words "may appoint persons" and insert in lieu thereof "shall appoint wholesale dealers in cigarettes"; also page 9, line 17, by striking out the word "two" and insert in lieu thereof "fifteen."

Mr. NORTON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the bill were read as follows and agreed to:

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorizd representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) The diverse methods and conditions of sale of cigarettes in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsaleable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act or without purshasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than frve hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be quilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 All taxes and penalties received collected or recovered under the provisions of this act before June first one thousand nine hundred and thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes and penalties paid into the State Treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred thirty-seven

The title of the bill was read as follows and agreed to:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consid-

eration of Senate Bill No. 663 (House Bill No. 1127), as follows:

An Act to further amend section twenty-three of the act approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to the gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax; and increasing the rate of tax imposed by the act and exempting street passenger railway companies and traction companies.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred sixty-two) is hereby further amended to read as follows

Section 23 That every railroad company pipe line company conduit company steamboat company canal company slack water navigation company transportation company and every other company association joint-stock association or limited partnership now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every copartnership person or persons owning operating or leasing to or from another corporation company association joint-stock association limited partnership copartnership person or persons any railroad pipe line conduit steamboat canal slack water navigation or other device for the transportation of freight passengers baggage or oil and every limited partnership association joint-stock association corporation or company engaged in or hereafter engaged in the transportation of freight or oil within this State and every telephone company telegraph company express company electric light company water-power company hydro-electric company palace car company and sleeping car company now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every limited partnership association joint-stock association copartnership person or persons engaged in telephone telegraph express electric light and power water-power hydro-electric palace car or sleeping car business in this Commonwealth shall pay to the State Treasurer through the Department of Revenue a tax of [eight mills upon the dollar upon] fourteen mills upon the dollar of the gross receipts of said corporation company or association limited partnership joint-stock association copartnership person or persons received from passengers baggage and freight transported wholly within this State from telegraph or telephone messages transmitted wholly within the State from express palace car or sleeping car business done wholly within this State or from electric light and power water-power and hydro-electric business and from the transportation of oil done wholly within the State The said tax shall be paid within the time prescribed by law for the payment of taxes settled by the Department of Revenue and for the purpose of ascertaining the amount of the asme it shall be the duty of the treasurer or other proper officer of the said company copartnership limited partnership association joint-stock association or corporation or person or persons to transmit to the Department of Revenue on or before the first days of February and August of each year a statement under oath or affirmation of the amount of gross receipts of the said companies copartnerships corporations associations joint-stock associations limited partnerships person or persons derived from all sources and of gross receipts from business done wholly within the State during the period of six months immediately preceding the first days of January and July of each year The time for filing reports may be extended estimated settlements may be made by the Department of Revenue if reports are not filed and the penalties for failing to file reports and pay the tax shall be as prescribed by the laws defining the powers and duties of the Department of Revenue Provided That in any case where the works of any corporation company copartnership association joint-stock association limited partnership person or persons are operated by another corporation company copartnership association joint-stock association limited partnership person or persons the taxes imposed by this section shall be apportioned between the said corporations companies copartnerships associations joint-stock associations limited partnerships person or persons in accordance with the terms of their respective leases or agreements but for the payment of the said taxes the Commonwealth shall first look to the corporation company copartnership association joint-stock association limited partnership person or persons operating the works and upon payment by the said company corporation copartnership association joint-stock association limited partnership person or persons of a tax upon the receipts as herein provided derived from the operation thereof no other corporation company copartnership association joint-stock association limited partnership person or persons shall be held liable under this section for any tax upon the proportion of said receipts received by said corporation company copartnership association joint-stock association limited partnership person or persons for the use of said works

[Nothing contained in this] This act shall be construed [to impose any tax upon any municipality nor upon] to apply to municipalities and to impose a tax upon the gross receipts derived from any municipality owned and operated public utility or from any public utility service within the purview of this act furnished by any municipality

[No tax shall be collected under the provisions of this act from any municipality upon the gross receipts derived from the ownership and operation of any public utility or from the furnishing by any municipality of any public utility service prior to the passage of this amendment]

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, this is one of the two bills that the sub-committee of the Finance Committee has not agreed upon, and I am offering amendments to this bill. These amendments are precisely the same as the amendments which may be proposed by Mr. Owlett, except that these proposed amendments do not allow for any limitation of the increased taxation made against utilities.

Mr. OWLETT. Mr. President, I desire to object to the amendments offered by the Senator from Monroe, Mr. Huffman. The amendments he has offered make certain necessary changes to this bill but they do not limit the imposition of the increased taxes provided for in this bill to a period of two years. This program, as agreed to be submitted to the Senate by the Finance Committee, was a program limited for a two-year period. All the other bills in the program are limited for two years. If the Senate votes down the amendments offered by Mr. Huffman, I have here amendments to be introduced which will incorporate all the amendments he has offered, and in addition limit the increased taxes to a period of two years. I, therefore, ask that the Senate adopt these amendments.

And the question recurring,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend Section 1, page 5, line 20, by striking out with heavy-faced brackets the word "municipality" and inserting in lieu thereof: "municipally"; also page 5, line 22, by striking out with heavy-faced brackets the words "within the purview of this act"; also page 5, line 22, by inserting after the word "municipality" the following: "to the extent of such gross receipts as are derived from business done outside the limits of the municipality"; also page 5, by inserting after line 27, the following section: "Section 2. Of the proceeds from the tax imposed by this act, the sum of two million dollars derived from the tax imposed for the six months' periods ending June thirtieth, one thousand nine hundred and thirty-five, and December thirty-first, one thousand nine hundred and thirty-five, shall be used only for unemployment relief and for such purposes is hereby appropriated. The balance of said proceeds for said periods shall be credited to the General Fund. All other taxes, penalties and interest received and collected under the provisions of this act shall be credited to the General Fund."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. LAW and were as follows, viz:

YEAS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante,	McCreesh,	Reed,	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Huffman,	Miller,	Rice,	Thompson,
Kahle,	Pytko,	Roberts,	(Centre)
Lanius,			

NAYS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

So the question was determined in the negative.

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend Section 1, page 3, line 20, by inserting after the word "mills" the following: "for the years one thousand nine hndred and thirty-five and one thousand nine hundred and thirty-six, and eight mills thereafter"; also page 5, line 20, by striking out with heavy-faced brackets the word "municipality" and insert in lieu thereof "municipally"; also page 5, line 22, by striking out with heavy-faced brackets the words "within the purview of this act"; also page 5, line 22, by inserting after the word "municipality" the following: "to the extent of such gross receipts as are derived from business done outside the limits of the municipality operating the public utility service"; also page 5, by inserting after line 27, the following section: "Section 2. The tax imposed by this act shall be settled at the rate of fourteen mills upon reports filed for the six months' periods ending June thirtieth, one thousand nine hundred and thirty-five, December thirty-first, one thousand nine hundred and thirty-five, June thirtieth, one thousand nine hundred and thirty-six, and December thirty-first, one thousand nine hundred and thirty-six, and at the rate of eight mills upon reports filed for all periods thereafter. Of the proceeds from the tax imposed by this act, the sum of two million dollars ($2,000,000) from the tax imposed for the six months' periods ending June thirtieth, one thousand nine hundred and thirty-five, and December thirty-first, one thousand nine hundred and thirty-five, shall be used only for unemployment relief and for such purposes is hereby appropriated. The balance of said proceeds for said periods shall be credited to the General Fund. All other taxes, penalties and interest received and collected under the provisions of this act shall be credited to the General Fund."

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. CLARK and were as follows, viz:

YEAS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

NAYS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante,	McCreesh,	Reed,	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Huffman,	Miller,	Rice,	Thompson,
Kahle,	Pytko,	Roberts,	(Centre)
Lanius,			

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 2, page 6, line 1, by striking out the figure "2" and inserting in lieu thereof: "3"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. LAW and were as follows, viz:

YEAS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante,	McCreesh,	Reed,	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Huffman,	Miller,	Rice,	Thompson,
Kahle,	Pytko,	Roberts,	(Centre)
Lanius,			

NAYS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

So the question was determined in the negative.

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 2, page 6, line 1, by striking out the figure "2" and insert in lieu thereof: "3"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. CLARK and were as follows, viz:

YEAS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim.
Coyne,	Hunsicker,	Salus,	

NAYS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante	McCreesh,	Reed,	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Huffman,	Miller,	Rice,	Thompson,
Kahle,	Pytko,	Roberts,	(Centre)
Lanius,			

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by extending the tax imposed by the act to the gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax and increasing the rate of tax imposed by the act and exempting street passenger railway companies and traction companies.

On the question,

Will the Senate agree to the title?

Mr. HUFFMAN. Mr. President, I move to amend title page 1, line 8 of title, by striking out the word "the" the second place it appears in said line, and inserting in lieu thereof: "certain"; also page 1, line 13 of title, by striking out the word "and"; also page 1, line 14 of title, by striking out the word "and" the first place it appears in said line; also page 1, line 15 of title, by inserting after the word "companies" the following: "and making an appropriation."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. LAW and were as follows, viz:

YEAS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante	McCreesh,	Reed,	Rupp,
Frey,	McGinnis	(Washington	Sones,
Huffman	Miller,	Rice,	Thompson,
Kahle,	Pytko,	Roberts,	(Centre)
Lanius,			

NAYS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

So the question was determined in the negative.

On the question,

Will the Senate agree to the title?

Mr. OWLETT. Mr. President, I move to amend title, page 1, line 8 of title, by striking out the word "the" the second place it appears in said line, and insert in lieu thereof "certain;" also page 1, line 13 of title, by striking out the word "and;" also page 1, line 13 of title, by inserting after the word "increasing" the following: "for a limited period of time;" also page 1, line 14 of title, by strikink out the word "and" the first place it appears in said line; also page 1, line 15 of title, by inserting after the word "companies" the following: "and making an appropriation"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. HOWELL and were as follows, viz:

YEAS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

NAYS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante	McCreesh,	Reed,	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Huffman,	Miller,	Rice,	Thompson,
Kahle,	Pytko,	Roberts,	(Centre)
Lanius,			

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 717 (House Bill No. 838), entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one housand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations; imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships and companies heretofore exempt; and increasing the rate of tax on the capital stock of fire and marine insurance companies

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred fifty-seven) are hereby further amended to read as follows

Section 20 That hereafter except in the case of corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit banks savings institutions title insurance or trust companies building and loan associations and foreign insurance companies it shall be the duty of the president vice-president secretary or treasurer of every corporation having capital stock every joint-stock association limited partnership and every company whatsoever now or hereafter organized or incorporated by or under any laws of this Commonwealth and of every corporation joint-stock association limited partnership and company whatsoever now or hereafter incorporated or organized by or under the law of any other State or Territory of the United States or by the United States or by any foreign government and doing business in and liable to taxation within this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of any limited partnership or joint-stock association company or corporation whatsoever association or associations copartnership or co-partnerships person or persons or in any other manner to make annually on or before the fifteenth day of March for the calendar year next preceding a report in writing to the Department of Revenue on a form or forms to be prescribed and furnished by it [stating specifically] Such report shall in addition to any other information required by the Department of Revenue set forth

First The amount of its capital stock at the close of the year for which report is made together with the highest selling price per share and the average selling price thereof during said year

Second Its debt account

Third Its income account together with the disposition of any net income and its profit and loss statement

Fourth Its general balance sheet

Fifth Its real estate and tangible personal property if any owned and permanently located outside of the Commonwealth and value of the same and the value of the property if any exempt from taxation

Sixth [The proportion of its capital stock invested in and actually and exclusively employed and used in manufacturing within the Commonwealth during the year for which report is made

Seventh] A valuation and appraisal in the manner hereafter provided of the capital stock of the said corporation company joint-stock association or limited partnership at its actual value in cash as it existed at the close of the year for which the report is made

The affidavit of two of the officers of such corporation limited partnership joint-stock association or company shall be attached to said report Such affidavit shall be in the form required by the Department of Revenue but shall state in addition to any other averments required by the department that with fidelity and according to the best of their knowledge and belief the affidavits have estimated valued and appraised as shown in said report the capital stock of the said corporation at its actual value in cash as it existed at the close of the year for which report is made not less however than first the average which said stock sold for during the year and second not less than the price or value indicated or measured by net earnings or by the amount of profit made and either declared in dividends expended in betterments or carried into the surplus or sinking fund and third not less than the actual value indicated or measured by consideration of the intrinsic value of its tangible property and assets and of the value of its good will and franchises and privileges as indicated by the material results of their exercise taking also into consideration the amount of its indebtedness

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis the procedure in case the Department of Revenue is not satified with the appraisement made by the officers of the taxpayer and the penalties for failing to file reports and pay taxes shall be as prescribed by law

Section 21 (a) That every domestic corporation other than corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit and every joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the Treasury of the Commonwealth annually through the Department of Revenue a tax at the rate of five mills upon each dollar of the actual value of its whole capital stock of all kinds including common special and preferred as ascertained in the manner prescribed in said twentieth section [and it]

(b) Every foreign corporation joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the treasury of the Commonwealth annually through the Department of Revenue a franchise tax at the rate of five mills upon a taxable value to be determined in the following manner The actual value of its whole capital stock of all kinds including common special and preferred shall be ascertained in the manner prescribed in the twentieth section of this act and shall then be divided into three equal parts

(1) Of one third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the value of the taxpayer's tangible property situated within the Commonwealth and whose denominator is the value of all the taxpayer's tangible property wherever situated

(2) Of another third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the expenditures of the taxpayer for wages salaries commissions or other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the taxpayer for wages salaries commissions or other compensation to all its employes

(3 Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

The sum of the amounts determined in accordance with the foregoing three rules shall be the taxable value

In a case where only two of the foregoing three rules are applicable the remaining third equal part of the value of the entire capital stock shall be divided into two equal parts each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable that part of the entire capital stock attributed to business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the taxpayer for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth

The amount of the taxpayer's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales except those negotiated or effected in behalf of the tax-

payer by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth and sales otherwise determined by the Department of Revenue to be attributable to the business conducted on such premises and (2) rentals or royalties from property situated or from the use of patents within this Commonwealth If a taxpayer maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the Department of Revenue shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts from sales attributed by the taxpayer to the business conduct at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a taxpayer for wages salaries commissions or other compensation or the gross receipts of the taxpayer are found to be situated incurred or received without the Commonwealth

(c) It shall be the duty of the treasurer or other officers having charge of any such corporation joint-stock association or limited partnership upon which a tax is imposed by this section to transmit the amount of said tax to the treasury of the Commonwealth within the time prescribed by law for the payment of State taxes settled by the Department of Revenue Provided That for the purposes of this act interest in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly Provided also That corporations limited partnerships and joint-stock associations liable to a tax [on capital stock] under this section shall not be required to pay any further tax on the mortgages bonds and other securities owned by them and in which the whole body of stockholders or members as such have the entire equitable interest in remainder but corporations limited partnerships and joint-stock associations owning or holding such securities as trustees executors administrators guardians or in any other manner than for the whole body of stockholders or members thereof as sole equitable owners in remainder shall return and pay the tax imposed by this act upon all securities so owned or held by them as in the case of individuals [And provided] Provided further That the provisions of this section shall [not] apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products [or] and for manufacturing purposes [which is invested in and actually and exclusively employed in carrying on laundering the processing and curing of meats their products and by-products or manufacturing within the State excepting companies engaged in the brewing or distilling of spirits or malt liquors and such as enjoy and exercise the right of eminent domain but every corporation limited partnership or joint-stock association organized for the purpose of laundering or processing and curing meats their products and by-products or manufacturing shall pay the State tax of five mills herein provided upon such proportion of its capital stock if any as may be invested in any property or business not strictly incident or appurtenant to the laundering or manufacturing business or the business of processing and curing meats their products and by-products in addition to the local taxes assessed upon its property in the district where located it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the laundering or manufacturing plant and business or the plant and business used in the processing and curing of meats their products and by-products] Provided further In case of fire and marine insurance companies the tax imposed by this section shall be at the rate of [three] five mills upon each dollar of the actual value of the whole capital stock Provided That nothing in this act shall be so construed as to apply to building and loan associations chartered by the State of Pennsylvania

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 1, page 9, line 3, by striking out with light-faced brackets the words "provisions of this section" and insert in lieu thereof "tax of five mills imposed by this section on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six, or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five, and one thousand nine hundred and thirty-six;" also page 9, line 8, by inserting after the part-word "poses" the following: "excepting companies engaged in the distilling of liquors: Provided further, That after said two year period the provisions of this section shall not apply to the taxation of the capital stock of corporations, limited partnerships and joint-stock associations organized for laundering, for the processing and curing of meats, their products and by-products, or for manufacturing purposes;" also page 9, line 8, by striking out the bracket before the word "which;" also page 9, line 11, by striking out the bracket after the word "State;" also page 9, line 12, by striking out the bracket before the word "and;" also page 9, line 28, by striking out the bracket after the word "by-;" also page 10, line 1, by striking out the brackets before and after the word "products."

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. CLARK and were as follows, viz:

YEAS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

NAYS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante,	McCreesh,	Reed,	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Huffman,	Miller,	Rice,	Thompson,
Kahle,	Pytko,	Roberts,	(Centre)
Lanius,			

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

Mr. WOODWARD. Mr. President, I move to amend section 1, page 10, line 7, by inserting after the word "Pennsylvania" the following: "Provided further, That the tax imposed under the provisions of this act on corporations, joint-stock associations, limited partnerships and companies, for the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight, on reports filed for the calendar years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven, or for the fiscal years ending during the calendar years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight, shall be at the rate of three mills upon each dollar of the actual value of the whole capital stock, and for the year one thousand nine hundred and thirty-nine and one thousand nine hundred and forty, shall be at the rate of one mill upon each dollar of the actual value of the whole capital stock, and after the year one thousand nine hun-

dred and forty no tax whatever on capital stock shall be imposed."

Mr. ARON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. WOODWARD. Mr. President, I offer this amendment to try to do away with the unscientific Act which we have had since 1844—the capital stock tax; and in support of my position I would like to read a few lines from a booklet entitled "Taxation and Education in Pennsylvania," written by a noted tax expert. It is as follows: "One source of your State revenue is a capital stock tax, a five mill tax on the actual value in cash of the capital stock of domestic and foreign corporations doing business in Pennsylvania. Established in 1844, it is a good revenue producer for Pennsylvania; but it hasn't any relation at all to ability to pay, because perhaps the capital stock of a corporation is not at all related to how much money that corporation is making. Therefore, it is unsound in its general principle."

This amendment will encourage the manufacturers who will have this tax imposed upon them; and if they live long enough they will be relieved of the capital stock tax, and also every other corporation; and it will be a deterrent of any exodus of manufacturers from this great Commonwealth.

The capital stock tax is a capital levy, and it is unjustifiable. I figure it brings in about twenty-five millions in a biennium, but I suspect that if the personal income tax is declared constitutional, the thirty millions therefrom will more than make up for our cutting down the capital stock tax. You may call it a gesture, but it is such a strong gesture that perhaps it might better be called a gesticulation.

Mr. OWLETT. Mr. President, I desire to call the attention of the Senate to the fact that the amendments just adopted by the Senate will limit the tax, as far as manufacturing companies are concerned, to a period of two years. In other words, it goes off automatically at the end of two years.

Now, perhaps, we all agree, or many of us agree, with what Dr. Woodward says—to the end that capital stock taxes are unscientific, because they levy taxes on capital regardless of whether the capital is producing income or not; and it seems to me that in view of the fact that this is an emergency measure, and in view of the fact that it is settled in our tax law, and no one knows how long the emergency is going to last, no one knows whether the State can afford to lose the revenue that it would lose by a greater reduction of this tax, as provided for by these amendments, it seems to me the amendments offered by Dr. Woodward, good though they may be in principle, at this time ought to be voted down.

Mr. WOODWARD. Mr. President, I have the right to speak twice, I believe, and I will be very brief; but I think the answer is quite complete—that no one can guarantee the discontinuance of this tax at the end of two years. You very often get an emergency tax, and it goes on; therefore, this is a much safer remedy than to perhaps delude ourselves that we will be free of this tax at the end of two years. This is more of a safeguard.

Mr. SHAPIRO. Mr. President, I do not think that this body has a right to take away a revenue-producing tax from the fiscal part of the Commonwealth unless there is substituted for it some other tax. It is my thought that the income tax, the tax on net income of corporations would be a proper substitute for what I have always thought a vicious tax. As has been said here today, this tax is on capital stock, with no relation to the profits of the business; and inasmuch as the answer to my question may determine my vote on this motion, I would just like to interrogate the Senator from Philadelphia, Dr. Woodward, who I understand is a member of the Finance Committee.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. SHAPIRO. Mr. President, does the program contemplate the limitation of the effectiveness of House Bill No. 1192 to a two-year period, or is the net income tax bill, as drawn, in such shape that it can be amended to provide for a permanent income tax on the net income of corporations?

Mr. WOODWARD. Mr. President, I think all our income taxes will be permanent.

Mr. SHAPIRO. Then, it seems to me, Mr. President, that under that situation no one should vote for amendments to remove tax revenue.

Mr. WOODWARD. Mr. President, the personal income tax is a substitute.

Mr. SHAPIRO. Mr. President, but it is only for two years.

Mr. OWLETT. Mr. President, for the information of the Senate, all of the emergency legislation as agreed upon, or as amended here on the floor, is limited to two years, including the corporation and income tax bills.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. WOODWARD and Mr. ARON and were as follows, viz:

YEAS—2

Gelder,	Trainer,

NAYS—46

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Prince,	Shapiro,
Bennett,	Huffman,	Pytko,	Sones,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Graff,	McGinnis,		

So the question was decided in the negative.

And the question recurring,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 If this act is declared unconstitutional by a final judgment order or decree of a court of competent jurisdiction all the provisions of section twenty-one of the act amended by this act pertaining to the taxation of the capital stock of foreign corporations which were made inapplicable and inoperative thereto by this amendment shall thereupon become operative and applicable in respect to such corporations from the effective date of this act and such corporations shall for that period and thereafter be taxed to the same extent and in the same

manner as if this amendment had not been enacted In such event any taxes which were settled under this act shall to the extent that such taxes have been paid and are unrefunded be credited against the taxes settled and imposed for the same period under the provisions of said section twenty-one which are again made operative and applicable to foreign corporations by this section Provided That if such credit exceeds the taxes due the excess may be refunded upon application being made to the Board of Finance and Revenue in the manner prescribed by law

The third section of the bill was read as follows:

Section 3 The provisions of this act shall be retroactive to the first day of January one thousand nine hundred thirty-four so that capital stock of domestic corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products and for manufacturing purposes shall pay the tax license imposed for the calendar years one thousand nine hundred thirty-four and one thousand nine hundred thirty-five in the same fashion as other corporations limited partnerships and joint-stock associations

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, this is the so-called "manufacturers" tax bill, and I am offering amendments to the bill. The amendments are not objected to by the Republicans in the Senate but the amendments I am offering do not limit the taxation on manufacturers to any period of time.

Mr. OWLETT. Mr. President, the situation with this bill is precisely the same as the previous bill. The amendments introduced by the Senator from Monroe, Mr. Huffman, take care of certain necessary changes, but do not limit the period for which the tax is imposed to the emergency of two years. If these amendments introduced by Senator Huffman are voted down, I have another set of amendments, which include all of the necessary changes as provided by his amendments and also include amendments which limit the tax to two years.

I, therefore, ask the Senate to vote down the amendments to be offered by the Senator from Monroe, Mr. Huffman.

And the question recurring,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 3, page 11, line 1, by striking out the words "thirty-four" and insert in lieu thereof "thirty-five; also page 11, line 5, by striking out the word "license"; also page 11, line 6, by striking out the words "years one thousand nine hundred thirty-four and" and insert in lieu thereof "year"; also page 11, line 7, by inserting after the word "thirty-five" the following: "or for the fiscal year beginning in the calendar year one thousand nine hundred and thirty-five, and thereafter."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. LAW and were as follows, viz:

YEAS—19

Baumer,	Lanius,	Pytko,	Roberts,
Cavalcante,	Law,	Rankin,	Rodgers,
Frey,	McCreesh,	Reed,	Rupp,
Huffman,	McGinnis,	(Washington)	Sones,
Kahle,	Miller,	Rice,	Thompson, (Centre)

NAYS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

So the question was determined in the negative.

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 3, page 11, line 1, by striking out the words "thirty-four" and insert in lieu thereof "thirty-five"; also page 11, line 5, by striking out the word "license"; also page 11, line 6, by striking out the words "thirty-four" and insert in lieu thereof "thirty-five"; also page 11, line 7, by striking out the words "thirty-five" and insert in lieu thereof "thirty-six, or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five, and one thousand nine hundred and thirty-six."

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. CLARK and were as follows, viz:

YEAS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

NAYS—19

Baumer,	Lanius,	Pytko,	Roberts,
Cavalcante,	Law,	Rankin,	Rodgers,
Frey,	McCreesh,	Reed,	Rupp,
Huffman,	McGinnis,	(Washington)	Sones,
Kahle,	Miller,	Rice,	Thompson, (Centre)

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows:

Section 4 This act shall become effective immediately upon its final enactment and its provisions shall be applicable to the settlements of franchise taxes on foreign corporations for the year ending the thirty-first day of December one thousand nine hundred and thirty-five or any fiscal years ending after the effective date of this act

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 4, page 11, line 14, by striking out the words "after the effective date of this act" and insert in lieu thereof: "in the calendar year one thousand nine hundred and thirty-six, and thereafter". Amend bill, page 11, by inserting after line 14, the following section: "Section 5. The sum of eighteen million dollars ($18,000,000) derived from the tax imposed under the provisions of this act on reports filed for the year one thousand nine hundred and thirty-five, shall be used only for unemployment relief, and for such purposes is hereby appropriated."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. LAW and were as follows, viz:

YEAS—19

Baumer,	Lanius,	Pytko,	Roberts,
Cavalcante,	Law,	Rankin,	Rodgers,
Frey,	McCreesh,	Reed,	Rupp,
Huffman,	McGinnis,	(Washington)	Sones,
Kahle,	Miller,	Rice,	Thompson, (Centre)

NAYS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

So the question was determined in the negative.

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 4, page 11, line 14, by striking out the words "after the effective date of this act" and insert in lieu thereof "in the calendar year one thousand nine hundred and thirty-six" Page 11, inserting after line 14, the following section: "Section 5. The sum of eighteen million dollars ($18,000,000), derived from the tax imposed under the provisions of this act on reports filed for the year one thousand nine hundred and thirty-five, shall be used only for unemployment relief and for such purposes is hereby appropriated."

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. CLARK and were as follows, viz:

YEAS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

NAYS—19

Baumer,	Lanius,	Pytko,	Roberts,
Cavalcante,	Law,	Rankin,	Rodgers,
Frey,	McCreesh,	Reed,	Rupp,
Huffman,	McGinnis,	(Washington)	Sones,
Kahle,	Miller,	Rice,	Thompson, (Centre)

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax upon the capital stock of certain corporations joint-stock associations limited partnerships and companies heretofore exempt and increasing the rate of tax on the capital stock of fire and marine insurance companies

On the question,

Will the Senate agree to the title?

Mr. HUFFMAN. Mr. President, I move to amend title, page 1, line 10 of title, by inserting after the word "upon" the following: "that portion of"; also page 1, line 12 of title, by inserting after the word "companies" the following: "which was"; also page 1, line 12 of title, by striking out the word "and"; also page 1, line 14 of title, by inserting after the word "companies" the following: "and making an appropriation"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. LAW and were as follows, viz:

YEAS—19

Baumer,	Lanius,	Pytko,	Roberts,
Cavalcante,	Law,	Rankin,	Rodgers,
Frey,	McCreesh,	Reed,	Rupp,
Huffman,	McGinnis,	(Washington)	Sones,
Kahle,	Miller,	Rice,	Thompson, (Centre)

NAYS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

So the question was determined in the negative.

On the question,

Will the Senate agree to the title?

Mr. OWLETT. Mr. President, I move to amend title, page 1, line 10 of title, by inserting after the word "tax" the following: "for a limited period;" also page 1, line 10 of title, by inserting after the word "upon" the following: "that portion of;" also page 1, line 12 of title, by inserting after the word "companies" the following: "which was;" also page 1, line 12 of title, by striking out the word "and"; also page 1, line 14 of title, by inserting after the word "companies" the following: "and making an appropriation."

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. CLARK and were as follows, viz:

YEAS—29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Norton,	Thompson,
Bennett,	Harris,	Owlett,	(Westmoreland)
Buckman,	Harvey,	Prince,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziesenheim,
Coyne,	Hunsicker,	Salus,	

NAYS—19

Baumer,	Lanius,	Pytko,	Roberts,
Cavalcante,	Law,	Rankin,	Rodgers,
Frey,	McCreesh,	Reed,	Rupp,
Huffman,	McGinnis,	(Washington)	Sones,
Kahle,	Miller,	Rice,	Thompson, (Centre)

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

So, Mr. President, I make a motion that Senate Bill No. 717 (House Bill No. 838), the bill just read, be recommitted to the Committee on Finance for the purpose of a hearing, which will be held at two o'clock on next Monday afternoon.

Mr. CHAPMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McCLURE. Mr. President, as Chairman of the Committee on Finance, I received today a number of telegrams from leaders of industry throughout the State, requesting the committee to hold a hearing on this Senate Bill No. 717, which we have just considered. Industrial interests throughout the State realize the effect of this taxation, not only as far as the owners of the industries are concerned, but also with regard to its effect on labor. This afternoon the House of Representatives passed a resolution assuring the passage of the Gelder Bill, which will assure $3,000,000.00 for relief for the next month; so there is no real necessity of speeding these bills through the Senate at this time.

The Committee on Finance has granted a hearing to every group requesting a hearing during this session, and I would like the members of this Senate to recommit this bill for the purpose of a hearing. It has been our practice to grant hearings. These are important persons, and this is an important bill, and I feel that the practice will be carried out.

Mr. EALY. Mr. President, this bill has been in the Senate since the 26th of March. During that time there have been more than six weeks during which hearings could have been held if the manufacturing interests of Pennsylvania had wanted a hearing. I think it is unfair for them at this time, when we have worked out a compromise program, to come here and ask for a hearing on this bill. I therefore ask the members of the Senate to vote down this motion.

Mr. HARRIS. Mr. President, I desire to interrogate the Senator from Delaware, Mr. McClure.

The PRESIDENT. Will the Senator from Delaware, Mr. McClure, permit himself to be interrogated?

Mr. McCLURE. Mr. President, I shall be glad to.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Delaware, Mr. McClure, whether or not this will delay the relief program?

Mr. McCLURE. Mr. President, in my judgment it will not. This bill can be re-reported to the floor of the Senate next Monday evening. I will so urge.

Mr. HARRIS. Mr. President, there has been some reference to the $3,000,000.00 appropriated by the Gelder Bill. I want to say that I discussed it with a State official today, connected with the State Treasurer's office, and he said it is very doubtful whether this $3,000,000.00 is available. If it is not available I contend this will delay the relief program; and I desire to ask the members of this Senate that there be no further delay, that they vote to defeat this motion.

Mr. McCLURE. Mr. President, in a conversation held shortly after noon today we were assured by the Department of Revenue, and by representatives from the Treasury Department, that the $3,000,000.00 would be available.

Mr. COYNE. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I would be pleased to.

Mr. COYNE. Mr. President, if Senate Bill No. 717 would be passed today would that provide any more money in the month than you have now?

Mr. HARRIS. Mr. President, no.

Mr. COYNE. Mr. President, would it give you any more money?

Mr. HARRIS. Mr. President, no.

Mr. COYNE. Mr. President, if you are short that money in the month, this bill won't give you any more?

Mr. HARRIS. Mr. President, $3,000,000.00 has been appropriated for relief, and I have been informed that there are claims prior to this that legally would be paid before this $3,000,000.00 could be used for relief.

Mr. COYNE. Mr. President, the $3,000,000.00 that is going to be appropriated by the House, passed by the House—that money will be available, will it not, as soon as it has been passed by the House?

Mr. HARRIS. Mr. President, my information is to the contrary.

Mr. COYNE. Mr. President, no matter then, how soon you pass Senate Bill No. 717, you cannot get the cash in a month or even inside of a year?

Mr. HARRIS. Mr. President, everyone is aware of the decision of Harry D. Hopkins, Federal Administrator, who demands that a program be passed and indicated the needed amount; and I still contend that this will delay the receipt of money from the Federal Government for the purpose of relief.

Mr. COYNE. Mr. President, I still contend that if the House passes the Gelder Bill, Hopkins will be satisfied that there are $3,000,000.00 coming in thirty days.

Mr. HARRIS. Mr. President, I still contend that if the money is not available, Harry D. Hopkins will not be satisfied.

Mr. COYNE. Mr. President, I still contend that Senate Bill No. 717 will not take care of the situation inside of thirty days. Now, Mr. President, maybe we will be able to settle this question, if it is not available from the Gelder Bill, or No. 717, by holding a Tag Day, and getting it that way. I see no reason for insisting that this bill No. 717 be passed today or Monday; if you pass it Tuesday or Wednesday it will bring in the cash just as quickly as if you passed it today.

Mr. SHAPIRO. Mr. President, it has been correctly stated here that this bill has been in the House of Representatives since March 24th. Every other bill in the Governor's program had a public hearing at the request of anybody interested. I do not know whether there is sufficient money, or that there will be sufficient money, in the treasury to meet the transfer of $3,000,000.00. I am told—and I don't know how correct it is—that there are five million and some odd thousand dollars in the treasury, of which two million is needed for payroll this week, and that there will be other payrolls coming on, and other expenses occurring daily that might jeopardize the availability of the $3,000,000.00.

I listened to the Senator from Delaware, Mr. McClure, say that if there were a hearing next Monday this bill could be reported out next Monday night. If that is so I see no purpose in holding a public hearing, because we would not change our minds. If we, perchance, did change our minds, I ask the question: What bill will we substitute for the millions to be produced by this manufacturer's tax?

So that in this struggle to bring about a compromise, I think we will be unwilling to accept responsibility for what might happen if further delay is caused by further compromise. With all due respect to the persons affected by this bill, I think, in fairness to us, they should not have waited until the emergency is so great and then ask us to accept the responsibility for what might follow in times of this kind; and for that reason alone I think we should vote this motion down.

Mr. WOODWARD. Mr. President, I would like to make one correction in the statement of the Senator from Allegheny, Mr. Harris. It is to the effect that if he is so intimate with the Federal Administrator, he ought to get his name correctly: it is Harry L. Hopkins and not Harry D. Hopkins. He is a real pal.

Mr. HUFFMAN. Mr. President, I have never objected in the past to a hearing on a bill, but this bill is the keystone of the agreement entered into between the Governor and the Republican caucus, and the agreement provided that the manufacturers should be taxed five mills on the dollar. Now, there can be but one purpose in asking for a hearing, and that would be for the purpose of either eliminating these taxes on manufacturers or reduce the taxes, and as Mr. Shaipro has stated, there is no other tax proposed here, or any other method of raising this money, and the hearing would be nugatory unless the agreement, as I said, would be caried out. The three million dollars are not in the treasury today, and for the purpose of getting this appropriation the resolution is being put through the House this week. We all know it was agreed by Mr. Hopkins that if we furnished the three million dollars he would furnish the balance for the month, providing that this Senate would put through such a tax plan that would raise sixty million dollars this year, so that there is nothing for us to do but carry out the agreement, and I do not believe this Senate will breach or break the agreement or contract, which was made between the Governor and the Republican caucus.

Mr. GELDER. Mr. President, I think it is high time that we decide whether or not Harry L. Hopkins is the dictator of Pennsylvania, of whether or not the Senate of Pennsylvania is responsible to the people of the Commonwealth. Mr. Hopkins told us, in a letter of May 6th: "Appreciate your desire to co-operate with the Federal Government in meeting needs of unemployed. Must advise that even though Legislature passes tax measures which would at some future date provide Pennsylvania's share, it will be necessary that an amount of at least three million per month must be made available immediately as a condition for any further grants, with the understanding that this is to be increased up to a total of sixty million for the year, as tax receipts progressively increase."

The Senate of Pennsylvania last week, so as to be on the safe side, and not be in the position of where we could be accused of starving a million and a half people in Pennsylvania, introduced a bill which would appropriate three million dollars from the General Fund. It passed finally this body on Monday. The House had ample opportunity, had it seen fit, to pass that bill on first reading on Monday, second reading on Tuesday, and it would be on final passage today. They delayed it. I understand, however, now that they have passed a resolution saying that they will pass it without any question. Knowing the House as we know it in this Session, that is being done at the request of the Governor's office. That is assurance enough to me that there will be no suspension of relief, because the Governor's office seems to have a direct contact with Washington, but it certainly is high time that Pennsylvania decide whether or not, if necessary, it is going to go on its own, or whether or not we are going to be under the dictates of Washington. As the Senator from Delaware has pointed out, it has been the invariable custom of this body to grant hearings when hearings were requested. I contend that this particular tax is in a class by itself, because the people of the Commonwealth seem to feel that that tax was not going to be introduced in this program, and, as the Senator from Delaware, has further pointed out, it is not going to delay this relief, because the2money we are going to receive from that tax will not be forthcoming within the year. There can be absolutely no harm in giving that hearing, whether or not it results in a different determination by this body. I am very confident that it will not result in any different action, but it may allow those who represent the varied interests, and I contend and have always contended that the people who represent interests in Pennsylvania are entitled to a hearing. It will give them an opportunity to voice their objections, it will give an opportunity to decide whether or not the amendment that was offered by our friend from Philadelphia, who afterwards walked out on the Senator from Erie and myself, so that we do not know whether or not he is for the principle, whether or not it is a sound principle, and whether we should at a future time decide to take the tax off capital stock and put it where, in my judgment, it belongs, on net profits. I can see no reason why we should not pass this motion.

Mr. LAW. Mr. President. In our compromise and agreement made here, and the fact that this hearing, if held, would mean absolutely nothing, if the members of this Senate, and I am satisfied that they will, stick to the agreement made, I cannot see any purpose for it, and I further cannot see any reason why this should be delayed until Monday, for third reading and final passage; we can have a Session one minute after twelve o'clock tonight, and finish this up this week.

Mr. GELDER. Mr. President, I would like to add one word. Our friends on the left have not been entirely consistent and honest with the Republican members of this body in the matter of that agreement. They have attempted to force an action here today that was not in conformity with the agreement, and they voted as a unit in doing so.

Mr. THOMPSON (Centre). Mr. President, I am not going to get into a wrangle with any member of this Senate on the question of good faith and honesty, but I do want to call attention to the fact that we heard nothing of this request from these manufacturers for a hearing until after the resolution calling for the passage of the Gelder bill was passed by the lower House. Now the

Gelder bill was approved by all of us this week, and is in the same position in the House in anticipation and with the understanding that this tax program is to be disposed of this week and not go over until next week for any hearing or any purpose, and I appeal to the members of this State Senate to vote down this last minute stand in an attempt to defeat this bill.

Mr. ROBERTS. Mr. President, I think it was unfair of our colleague to intimate that the members of this side of the Chamber have not kept faith with what was known as the "compromise" program. I contend that we have kept faith and it is our purpose to keep faith. I agree with what has been said in relation to the proposed hearing by Senator Law. I, for one, am always willing and always want to be willing to give anybody, any group or any individual, a chance to be heard. Surely any group or any individual has had a chance to be heard on this proposed measure, if they had wished to avail themselves of such an opportunity. This bill has been in this body for some time. It has been before them, and every bill that is submitted or has the possibility of being enacted, and surely if it was of such importance, and it is an important bill, there was an opportunity while it rested in committee for them to come forward, and certainly they would have been granted a hearing, but now, at the last minute, when we are about to consumate a program that I thought was agreed upon, not by every individual member of this Senate, no, but by a group of Republican members with a group of Democratic members, with the Governor. Now, at the last minute, when we are facing a crisis, to attempt to put this bill over, I think is not keeping the faith. Besides, we have illustrations in this Chamber in this very Session, of bills that went back to Committee, that were supposed to be reported out in a very short time, and they have not come out. I do not say that it is the purpose of the members who propose to send this bill back to Committee to bury it there, I do not charge them with that, but I do charge that in sending it back at this time, we are inviting unnecessary delay and inviting possible disaster that should not overtake us.

I say, men, let us finish this, let us pass a program and let us pass it promptly, as we all believe, or at least a majority of us, I am sure, was the real purpose of what we thought was a compromise program.

Mr. McCLURE. Mr. President, the people interested in this bill had every reason to believe that it would not pass the Senate. It never appeared on any of the programs of the Republican Party, and there is a Republican majority in the Senate. Until last Wednesday, it was not seriously considered by the Republicans, and, therefore, that can explain the delay in these gentlemen who have today asked for a hearing on this bill. Now, I briefly want to sum up what I said before, that after twelve o'clock today I was assured by officials of the Administration, members of the Department of Revenue, that three million dollars was available and could be used in the next thirty days for relief. The House has passed a resolution to use that money and to pass a bill promptly. There is no delay of relief going to be caused by granting a hearing to these men, who have made Pennsylvania what Pennsylvania is today. Lesser organizations have come in here and been granted more courtesy by this Senate, and I again urge the members of the Senate to grant a hearing on this bill next Monday afternoon.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. THOMPSON (Centre) and Mr. CAVALCANTE and were as follows, viz:

YEAS—21

Aron,	Clark,	Homsher,	Norton,
Batchelor,	Coyne,	Howell,	Owlett,
Bean,	Ealy,	Hunsicker,	Reed,
Bennett,	Gelder,	Mallery,	(Dauphin)
Buckman,	Graff,	McClure,	Woodward,
Chapman,	Harvey,		

NAYS—27

Baumer,	McCreesh,	Rice,	Staudenmeie
Cavalcante,	McGinnis,	Roberts,	Thompson,
Frey,	Miller,	Rodgers,	(Centre)
Harris,	Prince,	Rupp,	Thompson,
Huffman,	Pytko,	Salus,	(Westmoreland
Kahle,	Rankin,	Shapiro,	Trainer,
Lanius,	Reed,	Sones,	Ziesenheim,
Law,	(Washington)		

So the question was determined in the negative.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 721 (House Bill No. 857), entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after certain years and repealing certain acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency

thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 1305 Reports by Banks Fiduciaries Prothonotaries Et Cetera in the month of January of each year reports heretofore made to the Auditor General shall hereafter be made to the Department of Revenue as follows

(a) Every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation doing business in this Commonwealth [except] including savings funds savings institutions and savings banks [subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] which receives or has received deposits of moneys shall make a report of such deposits of money which shall not have been increased or decreased or if not increased or decreased on which interest is not known to have been credited on the pass-book or certificate of deposit of the depositor at his request within [fourteen] ten or more consecutive years next preceding the first day of said month in all cases except savings funds savings institutions and savings banks and in the case of savings funds savings institutions and savings banks shall not have been so increased decreased or credited within a period of twenty-one or more consecutive years next preceding the first day of said month The said period of [fourteen] ten years or twenty-one years as the case may be shall be computed from the date when the deposit was first made or was increased or decreased or interest was entered in the pass-book or on the certificate of deposit of the depositor whether the deposit was at such date in the possession of the depository holding the same at the expiration of said period of [fourteen] ten or twenty-one years or was in the possession at said date of any other depository the deposits of which were afterwards taken over by a depository holding such deposit at the expiration of said period of [fourteen] ten or twenty-one years

(b) Every trustee guardian committee executor administrator assignee receiver or other person or corporation acting in any fiduciary capacity whatever shall make a report of all moneys or other estate held by him or it under a dry trust or under or by reason of an active trust which has terminated the beneficial owner or owners of which moneys or estate shall have been unknown or the whereabouts whereof shall have been unknown for a period of seven years next preceding the first day of said month

(c) Every prothonotary of a court of common pleas and every clerk of an orphans' court shall make a report of any estate or effects which shall have been paid into and deposited in the court of which he is an officer or shall be in the custody of any depository receiver or other officer of said court the rightful owner or owners of which estate or effects shall have been unknown or the whereabouts of such owner or owners shall have been unknown for the period of seven or more successive years next preceding the first day of said month

(d) Every person partnership limited partnership partnership association bank bank and trust company national bank trust company safe-deposit company or other corporation or association engaged in the business of receiving moneys on deposit or securities or other property for safe-keeping which has received and holds in any manner not elsewhere in this act mentioned any money belonging to another person or which has received and holds any other property or estate of another person for storage or safe-keeping or otherwise in any manner whatsoever shall make a report of all such money or property so far as known the amount of which money has not been claimed or access to which property has not been had by the person for whom the same is held within seven or more successive years next preceding the first day of said month

(e) Every bank national bank bank and trust company trust company or other corporation association partnership limited partnership and partnership association engaged in the business of receiving moneys on deposit or securities or other property for safe-keeping in this Commonwealth except building and loan association shall make a report of all dividends or profits declared by it to any stockholder or member and not paid for three or more successive years next preceding the first day of said month and all debts and interest on debts due by it to any creditor and not paid for three or more successive years next preceding the first day of said month and of all property held by it for the benefit of another person which property shall have been demandable by such other person for seven or more successive years next preceding the first day of said month and shall not have been received by such other person

Every report required by this section shall show the names and addresses of the depositors of such money or the owners of such property received for storage or safe-keeping of the said stockholders members or creditors and of the persons entitled to demand the property held for the benefit of another in the cases respectively and the nature and amount of such deposits of money property dividends profits debts and interest on debts and property held for the benefit of another so far as known and if any such particulars be not known it shall be so stated and such particulars as are known shall be stated and such reports shall be in the form prescribed by the Department of Revenue and shall be verified by affidavit of the persons making the same and in the case of a corporation or other person not a natural person shall be made and verified by affidavit of the treasurer thereof or chief financial officer if there be no treasurer said affidavit to declare that the report is true and contains all the facts required by law to be reported

Every person liable to make such report shall permit the Department of Revenue acting through any deputy clerk accountant or attorney designated by it for that purpose to inspect the records books and papers of such person relating to the subject matter of such report and when required by the Department of Revenue by subpoena signed by the Secretary of Revenue designating a certain time and place any person whether liable to make such report or not shall attend as a witness before any deputy clerk accountant or attorney designated by it for that purpose with such records books and papers as the Department may require and shall answer fully such questions as may then be put to him concerning the subject matter of this section and permit full inspection of such records books and papers

No person shall be excused from answering or from attending and testifying or from producing books papers and records in any proceeding under the provisions of this section or in any proceeding criminal or otherwise relating to the subject matter thereof for the reason that the answer or testimony or evidence documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may answer or testify or produce evidence documentary or otherwise in any such proceedings Provided That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying

If any person or corporation shall fail to comply with

any summons of the Department of Revenue for the attendance of persons or for the production of books accounts documents or papers or shall refuse to be sworn as a witness or refuse to testify fully as such or if any person or corporation shall refuse to permit any person designated by the Department of Revenue to inspect books accounts documents or papers as required by this section the Attorney General acting for the Department of Revenue may apply by petition in the name of the Commonwealth to the court of common pleas having jurisdiction and the court shall make such order on reasonable notice to such person or corporation as shall compel compliance with the law and the violation of such order shall be a contempt of such court and punishable as such The remedies herein provided shall be in addition to other remedies and penalties provided by law

No fee or reward shall be paid to any person for information which shall result in the escheat of any property which is reported or required to be reported under the provisions of this section but this section shall not apply to corporations which are not engaged in receiving deposits of money securities or other property for safekeeping

Section 2 Sections one two and three of the act approved the seventeenth day of April one thousand eight hundred and seventy-two (Pamphlet Laws sixty-two) entitled "An act relating to unclaimed deposits in savings banks and transfers of stock" and all acts amendatory and supplementary thereto are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 722 (House Bill No. 858), entitled:

An Act to further amend the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (P. L. page 62) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation shall escheat after ten years and in the case of savings fund savings institution and savings bank shall escheat after twenty-one years and making an appropriation

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (P. L. page 62) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and or any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" as amended by the act approved the twenty-first day of April one thousand nine hundred and twenty-one (P. L. 223) are hereby further amended to read as follows

An Act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporation companies banks national banks trust companies insurance companies limited partnerships and partnerships associations doing business in this Commonwealth [except saving-funds savings institutions and savings banks subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another

Section 7 After any particular deposit of money made [otherwise than in a saving-fund savings institution or savings bank subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall not have been increased or decreased or if not increased or decreased shall not be known to have been credited with interest on the pass book or certificate of deposit of the depositor at his request for the period of [fourteen] ten

successive years in all cases except savings funds savings institutions and savings banks and in the case of savings funds savings institutions and savings banks shall not have been so increased decreased or credited for a period of twenty-one years the same shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest thereon actually accrued to the date of the decree for the escheat of the same whether such deposit was at the expiration of said period in the possession of the depositary with which it was originally deposited or in the possession of another depositary which took over mediately or immediately in any manner whether before or after the expiration of said period of [fourteen] ten years or twenty-one years as the case may be the deposits of the depositary with which the deposit was originally made

After the owner beneficial owner or person entitled to any of the following named moneys or property shall be and remain unknown or the whereabouts thereof shall have been unknown for the period of seven successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same namely

(a) Moneys or other estate of any kind whatsoever held by any person bank national bank trust company or other association or corporation as guardian committee executor administrator assignee or receiver or as trustee under or by reason of any other trust the active duties of which have terminated except the delivery or payment to the beneficiaries thereunder of the subject of the trust and any increments accrued thereon

(b) Any moneys estate or effects paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of any such court

After any moneys or property held by any person bank national bank trust company or other corporation or by any association limited partnership or copartnership belonging to any other person the escheat of which is not otherwise provided for in this section has been and remained unclaimed by the person for whom the same is held for the period of seven or more successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

After any dividend or dividends profit or profits declared by any bank national bank trust company or other corporation or association or by any partnership and after any debt or interest on any debt or debts owed by any such bank national bank trust company or corporation association or copartnership shall have been and remained due and unpaid for three successive years such dividends or profits debt or interest on debt shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

Such escheat shall at the suggestion of the Auditor General be determined and enforced by an action in the nature of a bill in equity filed by and in the name of the Attorney General against the depositary fiduciary or debtor and all of his or its depositors beneficiaries or creditors for whom he or it holds unclaimed moneys escheatable under the provisions of this act in the appropriate court for the county where the debtor if an individual resides or if a corporation where it maintains its principal office Such action shall be brought in the court of common pleas except (a) Where it is sought to escheat unclaimed trust funds in which case the same shall be brought in the court having jurisdiction of such funds and except (b) where it is sought to escheat moneys paid into or deposited in a court or in the custody of any officer thereof in which case such action shall be brought in the court into which the money was paid or in which it was deposited or in the custody of an officer of which court the said moneys are

When the moneys have been paid into and are in the custody of any court the escheat of the same shall be determined and enforced at the suggestion of the Auditor General by a petition filed by the Attorney General in said court upon which proceedings shall be had as in other cases of escheat provided for by this section Proceedings for the escheat of moneys in the possession or custody of any officer of any court shall be by a bill as provided for by this section in other cases in which bill such officer and the persons entitled to such moneys shall be made codefendants

Any such escheat proceedings may be prosecuted whether the deposits dividends moneys funds or other property or estate sought to be escheated shall have been reported to the Auditor General in conformity with the provisions of this act or have not been so reported Any number of items may be joined in one action against one debtor though owed to different creditors

If service of the bill cannot be had on the creditors defendant within the State service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which the debtor is resident or has its principal office and also when practicable for the same period in such a newspaper published in the county within or without the Commonwealth where when last heard from by the debtor the creditor had his residence Publication may be made in such form as the court shall direct and need not contain any order or other paper in full

If such creditors or their legal representatives shall appear in the cause within the time limited by the court and establish their right to recover said sums from the debtor but for the provisions of this act and if this right shall not be barred by the statute of limitations or presumption of payment a decree shall be made for the payment of said sums to them after paying their proportionate part of the costs of the cause and of said advertising Provided That such persons on demand may have any issue of fact determined by a jury and if they shall not so appear and establish such right a decree shall be made that said sums have escheated and shall be paid by the debtor to the State Treasury for the use of the Commonwealth and the amount of such decree shall bear interest at the rate of twelve per centum per year from sixty days after the same is made and such decree shall be effectual to bar the creditors from claiming the said sums from the debtor An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein

An action may be begun in the nature of a bill for discovery merely with respect to the subject matter of this act whether in this or other sections hereof against the debtor without the necessity of specifying the items which should escheat with the right to compel an answer under oath to subpoena all persons as witnesses and to compel the production of all books papers and records and from time to time the bill may be amended to pray for the escheat of specific items under this section seven and to make parties to the bill the creditors as ascertained

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend page 5, line 22 by striking out after "two)]" and before the word "except" the word: "[and]"; also page 5, line 22 by striking out after the word " except" and before the word "building" the word: "[also]"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2. All moneys received prior to June first one thousand nine hundred and thirty-six as escheats under the act to which this is an amendment or under any other act of assembly without escheat as the result of the reduced period of time provided for by this amendment which are in excess of the average amount per annum received from escheats or payments into the State Treasury without escheat from the same sources under any acts of assembly during the preceding five fiscal years ending May thirty-first one thousand nine hundred and thirty-five shall be used only for unemployment relief purposes and for such purposes are hereby appropriated On and after June first one thousand nine hundred and thirty-six such revenues shall be credited to the General Fund

Section 3 - This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to further amend the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled as amended, "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnerships associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between th date of the decree of any court ordering th distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation shall escheat after ten years and in the case of savings fund savings institution and savings bank shall escheat after twenty-one years and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 726 (House Bill No. 1192), entitled:

An Act to provide revenues for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties.

The first section of the bill was read as follows and agreed to:

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

The second section of the bill was read as follows:

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Corporation" A corporation having capital stock joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall not include building and loan associations banks bank and trust companies national banks savings institutions beneficial life and limited life insurance companies mutual fire and mutual life insurance companies and trust companies

"Department" The Department of Revenue of this Commonwealth

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to the Federal Government subject however to any corrections thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That deductions shall be allowed from net income on account of any taxes paid to the Government of the United States

2 In case the entire business of any corporation is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's property wherever situated

(2) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditure of the corporation for wages salaries commissions and other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employes shall be such

expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth and sales otherwise determined to be attributable to the business conducted on such premises and (2) rentals or royalties from property situated or from the use of patents within this Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts from sales attributed by the corporation to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth 3 "Net income" in the case of insurance corporations shall be ascertained in the manner provided by the laws of the United States for the taxation of the net income of insurance corporations

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 2, page 2, line 16 by inserting after the word "fire" the following: "mutual casualty"; also page 2, line 17, by inserting after the word "companies" where it appears the first time in said line, the following: "and foreign stock companies registered in this Commonwealth and therein engaged in doing business as life, fire, and casualty insurance companies and surety companies;" also page 2, line 23, by inserting after the word "to" where it appears the first time in said line, the following: "and ascertained by;" also page 3, line 4, by inserting after the word "States" the following: "and provided further, That in the case of stock life, fire, casualty and indemnity insurance companies doing business on the mutual or participating plan, the term "net income" shall not include the dividends paid to policy holders out of net income;" also page 3, line 26, by striking out the brackets before and after the word "tangible"; also page 5, lines 28 and 29, by striking out the words "3 "Net income" in the case of insurance corporations shall be ascertained in the manner provided by;" also sec. 2, page 6, lines 1 and 2, by striking out all of said lines.

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth a State excise tax at the rate of eight per centum per annum upon each dollar of net income of such corporation Such tax shall first be levied collected and paid upon all net income received by and accruing to such corporation on and after the first day of January one thousand nine hundred and thirty-five

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 3, page 6, line 14, by striking out the word "eight" and insert in lieu thereof: "six;" also amend section 3, page 6, lines 19 and 20, by striking out the words "on and after the first day of January" and insert in lieu thereof: "during the calendar year;" also amend section 3, page 6, line 20, by inserting after the word "thirty-five" the following: "except where a corporation reports to the Federal Government on the basis of a fiscal year, and has certified such fact to the Department as required by section four of this act, in which case such tax shall first be levied, collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred and thirty-five, and ending in the calendar year one thousand nine hundred and thirty-six."

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows and agreed to:

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred and thirty-six and on or before the fifteenth day of April one thousand nine hundred and thirty-seven to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of this return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation at the time of making the report required herein shall pay to the department not less than one-half of the tax due to the Commonwealth by it for the preceding year and the remaining one-half of such tax shall be paid on or before the fifteenth day of May succeeding The amount of all taxes imposed under the

provisions of this act not paid on or before the time as above provided shall bear interest at the rate of twelve per centum per annum from the date they are due and payable until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court if such payment is accompanied by a protest that the whole or any part of such payment is not justly or legally due If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it or assigned to any other person or corporation for use in the payment of any obligation to the Commonwealth

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation shall certify to the department that its fiscal year does not close upon the thirty-first day of December but upon some other date and that it reports to the Federal Government as of such other date or that it would so report were it to make a return to the Federal Government then such corporation shall be permitted to make the report herein required within sixty (60) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

The fifth section of the bill was read as follows:

Section 5 Consolidated Reports The Department shall upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income and further any corporation shall be permitted to include in a consolidated report any other corporation or corporations subject to the provisions of this act the properties of which are all or substantially all controlled by it through leasing arrangements or otherwise

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 5, page 9, line 28, by striking out the words "and further any corporation"; also page 10, lines 1 to 5, by striking out all of said lines, both inclusive.

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth seventh sections of the bill were read as follows and agreed to:

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to the payment from the due dates fixed by this act at the rate of six per centum

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally charged or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make report under oath or affirmation to the department of such finally changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars ($5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any deduction made from the amount of the net income of any corporation upon which tax is imposed by this act the Board of Finance and Revenue shall have the power and its duty shall be to hear and determine any petition for the refund of taxes alleged to have been overpaid and upon the allowance of such petition to refund such taxes out of any appropriation made for the purpose or to credit the account of the corporation entitled to such refund All such petitions must be filed with the board within two (2) years of the date of such change or correction Any person aggrieved by the action of the Board of Finance and Revenue in the determination of any petition for the refund of taxes alleged to have been overpaid may within sixty days appeal to the court of common pleas of Dauphin County from the decision of the board in the manner provided by law for appeals in the case of tax settlements

The eighth section of the bill was read as follows:

Section 8 Determination and Redetermination of Tax Penalties and Interestt Due (a) If within a period of two years after the filing of the report the department is not satisfied with the report and payment of tax made by any corporation under the provisions of this act or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act it is hereby authorized and empowered to make a determination of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such corporation Within thirty (30) days after the date of any such determination such corporation may file with the department a petition for redeterimnation of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The department shall within ninety (90) days after the date of any determination dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the corporation against which such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The

Board of Finance and Revenue shall dispose of such petition filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioners

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and determine the amount due by it for taxes penalties and interest thereon as prescribed herein subject to the right of redetermination and appeal as in this section provided

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 8, page 14, line 5, by striking out the bracket before the word "from"; also page 14, line 7, by striking out the bracket after the word "appeal"; also page 14, lines 7 and 8, by striking out the words "subject to the right of redetermination and appeal as in this section provided"

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth, tenth and eleventh sections of the bill were read as follows and agreed to:

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act The Department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and assess the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of two (2) years such record or records of its business within this Commonwealth and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully and corruptly make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report and to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

The twelfth section of the bill was read as follows:

Section 12 All taxes and penalties received and collected under the provisions of this act shall be paid into the State Treasury and those imposed for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in one thousand nine hundred and thirty-five and collectible in the year one thousand nine hundred and thirty-six shall be used only for unemployment relief purposes and for such purposes are hereby appropriatted All other taxes and penalties received and collected under the provisions of this act shall be credited to the General Fund

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 12, page 17, line 7, by inserting after the word "in" the following: "the calendar year"; also page 17, line 9, by inserting after the word "thirty-six" the following: "or thereafter."

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The thirteenth section of the bill was read as follows and agreed to:

Section 13 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall

not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

The fourteenth section of the bill was read as follows:

Section 14 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven on the net income of the previous two calendar or fiscal years

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 14, page 17, line 24, by inserting after the word "taxes" the following: "on net income"; also page 17, line 24, by inserting after the word "two" the following: "calendar"; also page 17, line 25 by striking out the words "thirty-six" and insert in lieu thereof "thirty-five"; also page 17, line 25, by striking out the word "thirty-seven" and insert in lieu thereof "thirty-six"; also page 17, lines 26 and 27, by striking out all of said lines, and insert in lieu thereof "or for the two fiscal years ending in the calendar years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven"

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to provide revenues for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RODGERS. Mr. President, I move that Senate Bill No. 759 (House Bill No. 371), on second reading, entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

be recommitted to the Committee on Labor and Industry for the purpose of amendment.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 762 (House Bill No. 1209), entitled:

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 853 (House Bill No. 953), as follows:

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are refused withdrawn or not proceeded with

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two and three of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That thirty days after the approval of this act it shall be unlawful for any person copartnership association or corporation except in accordance with the provisions of this act to appeal to the public for donations or subscriptions in money or in other property or to sell or offer for sale to the public any thing or object whatever to raise money or to secure or attempt to secure money or donations or other property by promoting any public bazaar sale entertainment or exhibition or by any similar means for any charitable benevolent or patriotic purpose or for the purpose of ministering to the material or spiritual needs of human beings either in the United States or elsewhere or of relieving suffering of animals or of inculcating patriotism unless the appeal is authorized by and the money or other property is to be given to a corporation copartnership or association [or individual] holding a valid certificate of registration from the Department of Welfare issued as herein provided

Section 2 Any written appeal to the public for any such purpose must state the name of the copartnership association or corporation by which [or of the individual by whom] it is authorized that a certificate of registration as herein provided has been duly issued to it [or him] and must be signed by an officer of the corporation or member of the copartnership or association [or by the individual]

Section 3 Any corporation copartnership or associa-

tion [or individual] desiring to obtain a certificate of registration for any of such purposes shall file with the Department of Welfare on blanks prepared by the department a statement verified by an officer of the corporation copartnership or association [or by the individual] and containing such information as the Department of Welfare may require Other statements shall be filed from time to time under oath containing such information as the department may require

Section 2 Section four of said act as amended by the act approved the eighteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred) is hereby further amended to read as follows

Section 4 If the Department of Welfare deems the corporation copartnership or association [or individual] filing such statement a proper one and not inimical to the public welfare or safety and its appeal or proposed appeals to be for truly charitable benevolent or patriotic purposes or for the purpose of ministering to the material or spiritual needs of human beings in the United States or elsewhere or of relieving suffering of animals or of inculcating patriotism it shall issue to such corporation copartnership [person] or association filing the required statement a certificate of registration for the particular purpose described and for the necessary period but the department shall not issue any certificate of registration to any such [individual] corporation copartnership or association [who or] which pays or agrees to pay to any individual corporation copartnership or association a commission or compensation in excess of fifteen per centum of the amount collected or the sale price of any thing or object or the gross receipts from any public bazaar sale entertainment or exhibition or any similar means for service and the department shall revoke any certificate of registration which may be granted if and when any [individual] corporation copartnership or association shall pay or agree to pay an amount in excess of fifteen per centum as herein provided If the department deems the corporation copartnership or association [or individual] an improper one or the purposes of its appeal improper under the provisions of this act it shall refuse to issue a certificate of registration No registration certificate shall be valid for a longer period than one year from its date of issue The Department of Welfare before granting a certificate as herein provided may hold such hearings as may be deemed necessary to satisfy itself that the [individual] copartnership association or corporation filing a statement is entitled to a certificate of registration in accordance with this act

Section 3 Section five and seven of said act are hereby amended to read as follows

Section 5 If any statement required by the Department of Welfare is not filed the department shall notify the delinquent corporation copartnership or association [or individual] by mailing a notice to its or his last known address and if the statement be not filed within two weeks after the mailing of such notice the department shall cancel its [or his] certificates of registration The department may also cancel any certificate of registration whenever it is satisfied that contributions are used for unworthy purposes or where the [individual] copartnership association or corporation holding a certificate or registration engages in practices deemed sufficient in the discretion of the department to refuse a certificate of registration

Section 7 No person shall solicit or collect any contributions in money or other property for any of the purposes set forth in this act without a written authorization from the corporation copartnership or association for which [or the individual for whom] the contribution is made and the authorization must be shown to any person on request The authorization must be signed by an officer of the corporation or member of the copartnership or association for which [or by the individual for whom] the contribution is collected and must set forth the percentage of collection or other compensation for collection to be paid to the persons so soliciting or collecting contributions

Section 4 Section nine of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred seventy-three) is hereby further amended to read as follows

Section 9 A fee of ten dollars shall be paid to the Department of Welfare by every association copartnership or corporation [or individual] at the time of filing the original statement All fees shall be paid by the department into the State Treasury through the Department of Revenue

Where a certificate of registration has been applied for but the application is thereafter withdrawn or not proceeded with the fee provided by this section paid at the time of filing the statement shall be refunded to the party paying the same and for such purposes any moneys in the General Fund are hereby appropriated but nothing herein contained shall authorize a refund where an application for registration has been refused

Section 5 The provisions of this act shall become effective immediately upon its final enactment Provided That all certificates of registration heretofore issued to any individual shall continue to be effective for the balance of the period for which issued and the provisions of the act hereby amended shall remain in force as to such certificates until they expire

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 863 (House Bill No. 1734), entitled:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and on additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 990 (House Bill No. 1631), on second reading, entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1005, as follows:

An Act to amend the penal clause of section nine hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the penal clause of section nine hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than ten ($10) dollars nor more than fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1041, as follows:

An Act to amend section one of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred nine) entitled "An act relating to petitions for laying out certain public roads and to reports of viewers thereon" extending said act to the laying out of public roads for the benefit of property owners on vacated public highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred nine) entitled "An act relating to petitions for laying out certain public roads and to reports of viewers thereon" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when any petition is presented to any court of quarter sessions of this Commonwealth praying for the appointment of viewers as now provided by law to view and lay out a public road in any township or townships of this Commonwealth such petition and the report of the viewers thereon shall not be held invalid for the reason that one of the termini named in the petition or in the report is at a point other than in a public highway or place of public resort where it appears in such petition or report that the other terminus is in a public road and that the road is one necessary for public travel or for the use of a property owner or owners no longer located on a public highway by reason of the vacation of the public highway formerly serving such property Provided however That in case one of the termini named in the report is at a point other than in a public highway or place of public resort the finding of the viewers that the road is necessary for public travel or for the use of property owners as above provided shall be subject to the approval of the court of quarter sessions which may confirm or set aside said finding

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 1123 (House Bill No. 2117), on second reading, entitled:

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-six) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

be recommitted to the Committee on Game and Fisheries for the purpose of amendment.

Mr. HARVEY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1125 (House Bill No. 2175), as follows:

An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and seventeen (Pamphlet Laws three hundred twenty-two) entitled "An act to give protection and to regulate the catching or taking or having in possession within this

Commonwealth of any bullfrogs tadpoles and terrapin and providing penalties and punishments for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how and by whom the costs in such cases shall be paid" providing penalties for catching or killing bullfrogs tadpoles or terrapin out of season

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authorty of the same That section one of the act approvd the twenty-ninth day of May one thousand nine hundred and seventeen (Pamphlet Laws three hundred twenty-two) entitled "An act to give protection and to regulate the catching or taking or having in possession within this Commonwealth of any bullfrogs tadpoles and terrapin and providing penalties and punishments for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how and by whom the costs in such cases shall be paid" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall be unlawful for any person to catch take or kill any bullfrogs or tadpoles from the first day of November to the first day of July both dates inclusive and terrapin from the fifteenth day of March to the first day of November both dates inclusive in each year in any of the waters within this Commonwealth or in the boundary waters thereof Any person violating any of the provisions of this section shall on conviction as provided in section eight of this act be subject to a penalty of ten dollars for each offense

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1149 (House Bill No. 1683), entitled:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. McCLURE. Mr. President, I ask unanimous consent that Senate Bill No. 1169 (House Bill No. 1473), on second reading, entitled:

An Act imposing a graduated income tax for unemployment relief and school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1189 (House Bill No. 2035), entitled:

An Act to amend article fourteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate bill No. 1193 (House Bill No. 2194), entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" making it unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1194 (House Bill No. 2270), as follows:

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirty) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department

of Forests and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and materials" conferring additional powers and duties on the Water and Power Resources Board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That section three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirty) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forest and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and matrilas" as amended by the act approved the fth day of May one thousand nine hundred and thirty-one (Pamphlet Laws eighty-four) is hereby further amended to read as follows

Section 3 The department through the board is hereby authorized and directed to cause a dam to be constructed and/or completed across the outlet of Pymatuning Swamp in Crawford County for the purpose of establishing a reservoir and and conserving the water entering said swamp and for the purpose of regulating the flow of water in the Shenango and Beaver Rivers The dam shall be constructed and the reservoir established in accordance with plans and specifications which have been or which shall be prepared by or under the direction of the department and shall be so constructed and established as to conserve said waters in a safe and practical manner and to regulate the flow therefrom so as to maintain throughout the year as regular a flow of water as possible in said rivers The reservoir and land surrounding it acquired by the Commonwealth in connection with the project or portions of such reservoir and and lands may be developed and used for fishing hunting game refuges recreation park or other purposes provided such use or uses will not in the opinion of the Water and Power Resources Board materially interfere with the primary purpose of the reservoir for conserving the water entering Pymatuning Swamp and regulating the flow in the Shenango and Beaver Rivers The Water and Power Resources Board is vested with complete and final authority concerning the use and development of the land and water comprised within the Pymatuning Reservoir project and the maintenance and operation of said project and shall have authority to adopt and establish rules and regulations for the control management protection development and utilization of such land and water

The Water and Power Resources Board shall have authority to fix and collect charges for the permissive use of the land and water by private individuals for any purpose or purposes approved by the board Any moneys so collected by the board shall be paid into the General Fund of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1201 (House Bill No. 2637), entitled:

An Act imposing duties upon the Department of Health and providing for the furnishing of antirabic serum and treatment without charge in certain circumstances

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1203 (House Bill No. 1147), entitled:

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and/or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefits thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1214 (House Bill No. 2205), entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws gneral special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers.

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1230, as follows:

An Act to amend Route Seventy-seven of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commis-

sioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Route Seventy-seven of an act approved the thirty-first day of May one housand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by the provisions of this act" is hereby amended to read as follows

Route Seventy-seven From Beaver to New Castle Commencing in Beaver and running thence by way of Rochester and over Third Avenue in New Brighton and by way of Beaver Falls to a point on the dividing line between Beaver and Lawrence Counties thence by way of Wampum and Moravia to a point on the boundary line of the city of New Castle Lawrence County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1235, as follows:

An Act to further amend section ten of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" providing for the construction re-

construction and maintenance foot bridges over certain bridges by the Department of Highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That section ten of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment o fa State Highway Department b ythe appointment of a State Highway Commissioner two Deputy Sta etHighway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing fo rtaking over from the counties or townships of the Commonwealth certain exosting public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain State Highway Commissioner to make maps to be complete certain State Highways wholly and in part requiring the Commissioner providing for the payment of damages in records thereof conferring authority on the State Highway taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or tollroads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the imprvoement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing for penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions ofthis act" as amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred two) is hereby further amended to read as follows

Section 10 Anything herein contained or any apportionment of the State into highway districts shall not be construed as including or in any manner interferring with the roads streets and highways in any of the cities boroughs or incorporated towns of the Commonwealth Provided That where any road street or highway shall form a part or section ofany State highway as now or hereafter established within the limits of any borough or incorporated town the Department of Highways shall improve or reconstruct any section or sections of such road street or highway which have heretofore been maintained or are hereafter established as State highways to be maintained by the Department of Highways to such width as it may deem advisable at the expense of the Commonwealth

The maintenance of any road street or highway which forms a part or section of any State highway as now or hereafter established within the limits ofany borough or incorporated town shall be done by the Department of Highways at the expense of the Commonwealth Provided That all improvements reconstruction and maintenance of any road street or highway in boroughs or incorporated towns shall be of such width and type as may be determined by the Secretary of Highways

The Department of Highways shall also construct reconstruct and maintain any bridge or foot bridge over or on such bridge over a stream which the borough or incorporated town is obligated to maintain and which bridge is located on or forms a part of a State highway established prior to the twenty-second day of June one thousand nine hundred thirty-one within the limits of any borough or incorporated town Provided That nothing herein contained shall authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing on any highway within the limits of a borough or incorporated town and no such assessment shall hereafter be made under any act of Assembly heretofore enacted And provided further That nothing in this act shall be construed as placing on the Commonwealth the payment of any costs of construction or reconstruction of any such bridges in boroughs or incorporated towns for the construction or reconstruction of which a contract has been let prior to the effective date of this act and the Department of Highways shall not assume the obligation for the construction reconstruction or maintenance thereof until such contract has been performed

No opening shall be made in the surface of any improved highway which is maintained by the Department of Highways under the authority of this act within the limits of any borough or incorporated town until and unless a permit has been obtained for such opening either from the municipal authorities or from th eDepartment of Highways pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the municipality Where a permit is not obtained from the Department of Highways as above provided the borough or incorporated town shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Depart- of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction Any person firm or corporation opening the improved surface ofany street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25) dollars and in addition thereto the cost of prosecution and surface restoration costs and in default of the payment thereof shall undergo imprisonment for not more than five days

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1239, entitled:

An Act making an appropriation to the Secretary of Property and Supplies for the payment of the claim of the plumbing subcontractor in connection with certain work at the California State Teachers College

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and thirty dollars ($130) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of the claim with interest thereon of the plumbing subcontractor employed during the year one thousand nine hundred and twenty-nine in connection with the erection of a Day Students' Room at the California State Teachers College

moneys for the payment of which claim were retained by the Commonwealth out of the amount payable to the general contractor and which moneys have since been lapsed into the General Fund

Payment of such claim shall be made on requisition of the Secretary of Property and Supplies upon proof of such claim to the satisfaction of the Secretary of Property and Supplies

On the question,

Will the Senate agree to the section?

Mr. CAVALCANTE. Mr. President, I move to amend section 1, page 1, line 6, by striking out the words "Property and Supplies" and insert in lieu thereof "Public Instruction"; also page 2, line 2, by striking out the words "Property and Supplies" and insert in lieu thereof "Public Instruction"

Mr. PYTKO. Mr. President, I second the motion.

On the question,

Will the Senatet agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act making an appropriation to the Secretary of Property and Supplies for the payment of the claim of the plumbing subcontractor in connection with certain work at the California State Teachers College

On the question,

Will the Senate agree to the title?

Mr. CAVALCANTE. Mr. President, I move to amend title, page 1, lines 1 and 2 of title, by striking out the words "Property and Supplies" and insert in lieu thereof "Public Instruction"

Mr. PYTKO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1252 (House Bill No. 910), entitled:

An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 309) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1257 (House Bill No. 2067), entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1270 (House Bill No. 1738), entitled:

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 682) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1273 (House Bill No. 2216), entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1278 (House Bill No. 2393), entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 541) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and

cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1279 (House Bill No. 2477), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1287, as follows:

An Act to amend section one thousand and twenty-five of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providiing for the titling including liens encumbrances and legal claim registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon the counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended authorizing the Secretary of Revenue in certain cases to offer and pay rewards for information resulting in the arrest and conviction of hit and run drivers and requiring such drivers to pay the amount of such rewards in addition to the existing penalties

Section 1 Be it enacted by the Senate and House of Representatives ofthe Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and twenty-five of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing fo rthe disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1025 Duty to Stop in Event of Accident

(a) The driver of any vehicle involved in an accident resulting in injury or death to an yperson or damage to property shall immediately stop such vehicle at the scene of such accident

(b) The driver and owner if present of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall upon request give his name address and the registration number of his vehicle and exhibit his operator's license to the person struck or the driver or occupants of any vehicle involved and shall render to any person injured in such accident reasonable assistance including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person

(c) If the driver of any vehicle involved in an accident resulting in death to any person shall in violation of the provisions of this section fail to immediately stop such vehicle at the scene of such accident the Secretary of Revenue may at his discretion offer and publish a reward not exceeding five hundred dollars ($500) to be paid by the Commonwealth to any person or persons giving information which results in the arrest and conviction of such driver All moneys paid to persons entitled to such rewards shall be paid out of the Motor License Fund and for such purposes any moneys in the Motor License Fund are hereby appropriated

Penalty Any person vilating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not more than two hundred ($200) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment In all cases when a reward has been paid or is owing by the Commonwealth under the provisions of this section the person convicted of said offense may be sentenced to pay to the Commonwealth the amount of such reward in addition to the penalty or penalties imposed under the provisions of this section

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1288, on second reading, entitled:

An Act to amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two

Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or requiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1298, as follows:

An Act prohibiting any one engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief and imposing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no official or employe of the State Emergency Relief Board or other person who is connected in any way with the distribution of Federal or State moneys or both in this Commonwealth for relief purposes either as direct relief or otherwise shall hereafter by the offer or suggestion of anything of value or by threats or intimidation expressed or implied or in any other manner endeavor to influence any person in this Commonwealth who is a recipient of Federal or State Relief moneys or both directly or indirectly in the casting of his or her vote at any primary general or municipal electio

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of not more than one thousand dollars or undergo imprisonment for a term of not more than three years or both

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1316, as follows:

An Act to amend subsection (e) of section ninety of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" changing the resident citizens fees for use of pound nets

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (e) of section ninety of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

(e) Pound-net resident citizens [twenty-five] fifteen dollars non-resident citizens of the United States eighty dollars

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING POSTPONED FOR THE PRESENT

Mr. WOODWARD. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 31, on third reading postponed for the present, entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for certain offices from being candidates for more than one party nomination, and requiring candidates' affidavits from candidates for additional offices

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 31, as follows:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidatese' affidavits from candidates for additional offices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation which was amended by the act approved the eighteenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred forty-four) is hereby further amended to read as follows

Section 6 The names of candidates for nomination as President of the United States and the names of all other party candidates shall be printed upon the official ballot of a designated party upon the filing of nomination petitions in their behalf signed by qualified electors of the State or of the political district or division as the case may be within which the nomination is to be made or election is to be held and the filing of affidavits by the candidates as provided in this act and the names of no candidates shall be printed upon an official ballot of a political party to be used at any primary unless such petitions shall have been filed and unless such candidates except they be candidates for the office of President of the United States shall have filed affidavits as hereinafter provided

(a) Each signer of a nomination petition shall sign but one such petition for each office to be filled and shall declare therein that he is a member of the party designated in such petition Provided however That where there are to be elected two or more persons to the same office each signer may sign petitions for as many candidates for such office as and no more than he could vote for at the succeeding election He shall also declare therein that he is a qualified elector of the county therein and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large of the political district or division therein named in which the nomination is to be made or the election is to be held He shall add his occupation and residence giving city borough or township with street and number if any and shall also add the date of signing No nomination petition shall be circulated prior to forty (40) days before the last day on which such petition may be filed and no signature shall be counted unless it bears date within forty (40) days of the last day for filing the same

Said nomination petition may be on one or more sheets and different sheets must be used for signers resident in different counties Each sheet shall have appended thereto the affidavit of some person not necessarily a signer and not necessarily the same person on each sheet setting forth that the affiant is a qualified elector of the State or of the political district or division as the case may be referred to in said petition his residence giving city borough or township with street and number if any that the signers signed with full knowledge of the contents of the petition that their respective residences are correctly stated therein that they all reside in the county named in the affidavit and that each signed on the date set opposite his name and that to the best of affiant's knowledge and belief the signers are qualified electors and members of the designated party of the State or of the political district or division as the case may be

(b) Each candidate for United States Senator or Representative in Congress or for any State county [or] city borough incorporated town township school or poor district office shall file with his nomination petition his affidavit stating his residence with street and number if any and his postoffice address his election district the name of the office for which he consents to be a candidate that he is eligible for such office [and] that he will not knowingly violate any election law or any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith and unless he is a candidate for judge of a court of record that he is not a candidate for nomination for the same office of any party other than the one designated in such petition In no event shall petitions of any candidates except candidates for judge of a court of a record be accepted for filing for nomination by more than one party for the same office in no event shall the name of any person consenting to be a candidate for nomination for any one office except the office of judge of a court of record be printed as a candidate for such office upon the official primary ballot of more than one party and [Provided That] in no event shall any person's name be printed upon the official ballot of any party as a candidate for delegate State committeeman National committeeman or party officer unless he is a qualified elector of said party

In the case of a candidate for nomination as President of the United States it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates but the postoffice address of such candidate shall be stated in such nomination petition

(c) Each candidate for election as delegate or alternate delegate to a National party convention may include with his affidavit the statement hereinafter set forth in this section but his failure to include such statement shall not be a valid ground on the part of the Secretary of the Commonwealth for refusal to receive and file his nomination petition Such statement if any be made shall be in substantially the following form

Delegate's Statement

I hereby declare to the voters of my political party in the (here insert "State of Pennsylvania" if a delegate or alternate delegate at large otherwise insert ".....District") that if elected and in attendance as a delegate to the National convention of the party I shall with all fidelity to the best of my judgment and ability in all matters coming before the convention support that candidate for President of the United States who shall have received the highest number of votes cast in the (here insert "State" if a delegate or alternate delegate at large otherwise insert ".....District") by the voters of my party for said office at the ensuing primary and shall use all honorable means within my power to aid in securing the nomination for such candidate for President

.....

(Signature of candidate for delegate or alternate delegate)

On the ballot used at a primary after or under the name of each candidate for delegate or alternate delegate to a National party convention shall appear the words "Promises to support popular choice of party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert ".....District") for President" or "Does not promise to support popular choice of

party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert ".....District") for president" according as if the candidate included or failed to include the above statement with the affidavit

Section 2 That section eight of said act is hereby amended to read as follows

Section 8 No nomination petition shall be refused or set aside except for

(a) Material error or defects apparent on the face thereof or on the face of the appended or accompanying affidavits or

(b) Material alterations made after signing without the consent of the signers or

(c) Want of a sufficient number of genuine signatures of persons qualified with respect to age [sex] residence [and] citizenship and party membership to be [electors] signers or

(d) The fact that nomination petitions have been filed for printing of the name of the same person for the same office except the office of judge of a court of record upon the official ballot of more than one political party

The invalidity of any sheet of a petition shall not affect the validity of such petition if a sufficient petition remains after eliminating such invalid sheet

Application to set aside any nomination petition shall be by petition to the court of common pleas of the county in which such nomination petition has been filed setting forth specifically the matters objected to and must be filed within five days after the last day for filing said nomination petition Upon the presentation of such a petition the court shall make an order fixing a time for hearing which shall make an order fixing a time for hearing which shall not be later than ten days after the last day for filing said nomination petition and specifying the same and manner of notice that shall be given to the candidate named in the nomination petition sought to be set aside

If the matters objected to are such as are specified in subdivision (a) of this section the court upon hearing the case may in its discretion permit amendments within such time and upon such terms as to payment of costs as the said court may specify

In case the petition to set aside a nomination petition is dismissed the petitioner shall pay the whole of the costs of the proceeding including all witness fees

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Gelder,	McCreesh,	Rice,
Batchelor,	Harris,	McGinnis,	Roberts,
Baumer,	Homsher,	Owlett,	Rodgers,
Bean,	Howell,	Prince,	Rupp,
Buckman,	Huffman,	Pytko,	Salus,
Cavalcante,	Hunsicker,	Rankin,	Sones,
Chapman,	Kahle,	Reed, (Dauphin)	Staudenmeier,
Clark,	Law,	Reed, (Washington)	Thompson, (Centre)
Coyne,	Mallery,		Woodward,
Ealy,	McClure,		
Frey,			

NAYS—9

Bennett,	Miller,	Thompson, (Westmoreland)	Trainer,
Harvey,	Norton,		Ziesenheim,
Lanius,	Shapiro,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. REED (Washington). Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 577 (House Bill No. 1281), on third reading postponed for the present, entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State normal Schools or Teachers College abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 577 (House Bill No. 1281), entitled:

An Act to further amend section two thousand four hundred and two of the act approved the nine day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED (Washington). Mr. President, I ask unanimous consent to amend title, page 2, lines 8 and 9 from top of page, by striking out the words "mineral rights in certain State-owned lands" and insert in lieu hereof: "Gas and oil under lands of the Pennsylvania Training School at Morganza"; amend Section 1, page 3, line 13, by striking out with heavy-faced brackets the words "other than state forests and state park lands" and insert in lieu thereof: "in possession of the Pennsylvania Train-

ing School at Morganza"; also page 3, line 14, by striking out with heavy-faced brackets the word "coal"; also page 3, lines 14 and 15, by striking out with heavy-faced brackets the words "and other minerals", also page 3, line 15, by striking out with heavy-faced brackets the word "minerals and insert in lieu thereof: "Gas and oil."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

REPORT FROM COMMITTEE

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 1007, entitled:

An Act to amend sections nine hundred one and one thousand eighty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," as amended; providing for the collection of county, borough and school taxes by the county commissioners in certain cases; conferring powers on boroughs and school districts with respect to the collection of their taxes; and providing that the bonds of borough tax collectors shall be fidelity bonds.

BILLS INTRODUCED

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON read in place and presented to the Chair, Senate Bill No. 1356, entitled:

An Act making an appropriation to the Department of Military Affairs for the payment of certain damage claims.

Which was committed to the Committee on Appropriations.

Also read in place and presented to the Chair, Senate Bill No. 1357, entitled:

An Act to amend section eight of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government discipline, maintenance, and regulation of the armed land forces of this Commonwealth," placing commissioned officers required at Division Headquarters on active duty.

Which was committed to the Committee on Military Affairs.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1633

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 15, 1935.

Resolved (if the Senate concur), That House Bill No. 1633, Printer's No. 432, entitled:

An Act to amend section eleven of the act approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof," making further regulations for the election of justices of the peace in such consolidated boroughs

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 965

He also presented extracts from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 15, 1935.

Resolved (if the Senate concur), That House Bill No. 965, Printer's No. 147, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs, to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy), announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 42, entitled:

A Supplement to the act, approved the eighteenth day of June, one thousand nine hundred and twenty-three (P. L. 840), entitled "An act concerning declaratory judgments and decrees, and to make uniform the law relating thereto," prescribing the practice to be pursued in such proceedings.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy), in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CAMBRIA COUNTY

Miss Virginia C. Mazzocco, Gallitzin

CLEARFIELD COUNTY

Robert E. Chaplin, Coalport

DELAWARE COUNTY

Mrs. Mary White Carr, Chester

LANCASTER COUNTY

Mrs. Eva D. Landis, Ephrata

McKEAN COUNTY

Miss Genevieve Smith, Bradford

GEORGE H. EARLE.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to section, article eighteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 52, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups, and to approve or disapprove their incorporation or right to do business within the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 106, entitled:

A Joint Resolution proposing an amendment to section one, article eleven of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 167, entitled:

An Act to amend section two thousand two hundred and four of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined;" providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such data and statistics as are required to be furnished that department by the Department of Internal Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 332 (House Bill No. 547, entitled:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for a present employe as defined in the act to elect to be covered by the Retirement System and providing for the making of back contributions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 521, entitled:

An Act to further amend clauses twenty and twenty-one of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the benefits of State appropriations to teachers employed after the making of the annual certificates.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 575 (House Bill No. 1220), entitled:

An Act to amend clause (e) of section five of the act approved the eighteenth day of July one thousand nine hundred and nineteen (P. L. 1045) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the

bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation" by providing for furnishing artificial limbs to children over ten years of age.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 706, entitled:

A Joint Resolution proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty-eight providing for one general court of common pleas

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1007, entitled:

An Act to amend sections nine hundred one and one thousand eighty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs: and revising, amending, and consolidating the law relating to boroughs," as amended; providing for the collection of county, borough and school taxes by the county commissioners in certain cases: conferring powers on boroughs and school districts with respect to the collection of their taxes: and providing that the bonds of borough tax collectors shall be fidelity bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1128, entitled:

An Act to protect the owners of mortgaged property by limiting the amount of deficiency judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1262, entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1294, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, by providing that bonds or other obligations issued by a municipal corporation secured alone upon assessments for public improvements and afterwards made valid debts of the municipal corporation by act of the Assembly may be funded by the issuance of bonds pursuant to the provisions of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1295, entitled:

An Act to ratify, confirm and validate as debts of the municipality improvement bonds or obligations by any other name issued by municipal corporations for the payment of the cost of public improvements for the purpose of paving or macadamizing or otherwise improving the roadway of any highway, street or alley or part thereof in any such municipality, or for the payment of the cost of construction of any sewer or sewers, which improvement bonds or obligations were to rest alone for their security and payment upon assessments upon property for such cost, and to authorize the municipal corporation to fund such debts by the issuance of bonds and to provide for their payment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1327 (House Bill No. 1204), entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1334 (House Bill No. 2302), entitled:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1341 (House Bill No. 2601), entitled:

An Act to amend sections two three and four of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 1415), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as Bucktail State Park and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1345, entitled:

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimir Pulaski.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1346, entitled:

An Act to amend section one of the act approved the day of May, one thousand nine hundred and thirty-five (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class," by changing the date on which the installment payments provided therein shall commence.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1347, entitled:

An Act making an appropriation to the Lancaster General Hospital, Lancaster, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1348, entitled:

An Act making an appropriation to the Lancaster County Tuberculosis Society, Rossmere, Lancaster County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1349, entitled:

An Act making an appropriation to the Thaddeus Stevens Industrial School, of Lancaster, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1350, entitled:

An Act making an appropriation to the Home for Friendless Children, of Lancaster, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. HARRIS. Mr. President. I second the motion.

The motion was agreed to.

The Senate adjourned at 5:43 P. M. until Thursday, May 16, 1935, at 11 o'clock A. M.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 15, 1935

The House met at 11.00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Mervin A. Heller, Pastor of Market Street Baptist Church, offered the following prayer:

Who shall ascend into the hill of the Lord and who shall stand in His holy place? He that hath clean hands and a pure heart, who hath not lifted his soul unto vanity nor sworn deceitfully. Grant unto us, O God, that at the end of this day, perchance at the end of our lives, we might ascend into Thy hill and stand in Thy holy place. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. KINNEY, the further reading was dispensed with and the Journal was approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk as follows:

PENSIONS TO BLIND

A communication from the Junior Divisions of the Women's Clubs in Berks County protesting passage of Senate Bill No. 47.

Referred to the Committee on Pensions and Gratuities.

LABOR LEGISLATION

A resolution from the Pennsylvania State Federation of Labor requesting passage of House Bill No. 1703, as follows:

May 15, 1935.

To the Honorable Wilson G. Sarig, Speaker of the House and members of the House of Representatives:

SUPPORT OF THE SCHWARTZ-MELCHIORRE-BARBER BILL No. 1703

In the House of Representatives, May 14, 1935.

Whereas, The living conditions today, existing throughout the United States have become so terrible due to lack of employment, and

Whereas, The United States Government has appropriated monies whereby a percentage of the unemployed may be put; to work on relief projects, and

Whereas, It has become necessary for a person to pauperize himself first before he can become eligible to work on these relief projects, and

Whereas, It is the principle of Labor to create work for the unemployed at a favorable living wage, and

Whereas, It is the intent and purpose of the Schwartz-Melchiorre Barber Bill No. 1703, now before the Legislative bodies in Harrisburg, to create the means of some employment, and

Whereas, By the passage of this bill, Motion Picture Houses will be open Sundays in the State of Pennsylvania, whereby Moving Picture Houses will give employment to ushers, cashiers, stage-hands, operators, projectionists, musicians, and many others will be put back to work and which will be a step towards our Goal to reduce our Relief and unemployed rolls; now, therefore be it

Resolved, That the Pennsylvania State Federation of Labor in Convention assembled, go on record as demanding the passage of the Schwartz-Melchiorre Barber Bill No. 1703.

Fraternally submitted,

ROMEO CELLA, President.
Musicians Local 77, A. F. of M.

Referred to the Committee on Law and Order.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HERMANSEN (Concurrent)

RESOLUTION No. 152.

In the House of Representatives, May 14, 1935.

Whereas, For a period of at least two years, labor difficulties have been experienced in Luzerne and Lackawanna Counties, resulting in the loss of life, destruction of property and rioting; and

Whereas, Business in this region is suffering great loss and unemployment is aggravated; and

Whereas, Those familiar with conditions believe that the only solution to the problem is a thorough investigation of this strife and the ascertainment of the causes thereof; therefore be it

Resolved, (if the Senate concur), That the President Pro Tempore of the Senate shall appoint two members of the Senate, and the Speaker of the House shall appoint three members of the House of Representatives, who together shall constitute a joint legislative committee whose duty it shall be to make a thorough, impartial and searching investigation of the industrial strife now existing in Luzerne and Lackawanna Counties and the cause of the same, and of such other matters in connection therewith as may be deemed necessary for the information of the committee and the General Assembly;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such cases;

Resolved, That the said committee shall make report to the Governor and to the General Assembly of its findings of facts, with such recommendations as it deems necessary to remedy industrial conditions in the area referred to in this resolution.

Referred to the Committee on Labor.

APPOINTMENT OF COMMITTEE

The SPEAKER. In accordance with the provisions of Resolution Serial Number 203 adopted by the House, May 8, the Chair appoints Messrs. Sowers and Cohen.

LEAVES OF ABSENCE

Mr. SIMON asked and obtained leave of absence for himself for the balance of the week after today.

Mr. Falkenstein asked and obtained leave of absence for Mr. SCANLON for the balance of the week on account of illness in the family.

Mr. GEORGE E. DOWNEY asked and obtained leave of absence for himself for the balance of the day.

Mr. MERRELL asked and obtained leave of absence for himself for the balance of the week.

REPORTS FROM COMMITTEES

Mr. COAKLEY, from the Committee on Insurance reported as amended, House Bill No. 2464, entitled:

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define noncancellable health and accident insurance and to define and regulate policies of group health and accident insurance and to define and regulate policies of group health and accident insurance.

Mr. SIMON, from the Committee on Education reported as committed, House Bill No. 2450, entitled:

An Act to amend section one thousand two hundred and seven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system, in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," reducing the number of votes required to employ teachers in certain cases.

Mr. LONG, from the Committee on Insurance, reported as committed House Bill No. 2374, entitled

An act to further amend Section 23 of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 916) entitled, "An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies, designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner, and repealing existing laws' to require such societies to file with the Insurance Commissioner on or before the first day of March, succeeding the submission of the last preceding annual report a valuation report of its benefit fund obligations in force.

Mr. COOLAHAN, from the Committee on Boroughs and Townships, reported as committed House Bill No. 2394, entitled

An act to amend sections five hundred and sixteen, five hundred and thirty-one, five hundred and thirty-five, five hundred and forty, five hundred and forty-five, five hundred and forty-seven, clause one of section nine hundred and five, section one thousand one hundred and forty-one of, and to add section one thousand one hundred and forty-seven to the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," conferring on supervisors power over streams; changing the minimum compensation of the secretary-treasurer; further regulating depositories; imposing additional duties on the secretary; fixing the place of meeting of the auditors, and limiting the number of days for the completion of audits; providing that the road tax shall be used for general township purposes; decreasing the minimum widths of certain roads; and providing for records of dedicated roads and streets and for the opening thereof, and the acceptance of roads, streets, lanes and alleys heretofore dedicated.

Mr. FLINCHBAUGH, from the Committee on Counties reported as committed, House Bill No. 2586, entitled

An act to amend sections nine, fifteen and sixteen of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county- city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by extending the period of redemption to five years.

Mr. SCHWAB, from the Committee on State Government reported as amended, House Bill No. 2653, entitled:

An act granting permission to the Borough of Camp Hill, Pennsylvania, and the Borough of New Cumberland, Pennsylvania, to use, jointly with the Commonwealth of Pennsylvania, the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County, Pennsylvania, and authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use.

Mr. BAINE, from the Committee on Education reported as committed, House Bill No. 2210, entitled:

An act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislaure upon the area, boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War, and to accept gifts of deeds of historic objects, or of land, connected therewith.

Mr. SHAW, from the Committee on Counties reported as committed, House Bill No. 2383, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, and validating the liens of such taxes.

Mr. JOHN A. SMITH, from the Committee on Counties. reported as amended House Bill No. 2191, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws. regulating the refunding of taxes where appeals are finally disposed of.

Mr. JOHN J. BAKER, from the Committee on State Government, reported as committed House Bill No. 2684, entitled:

An Act providing for the registration, regulation and control of lobbyists and lobbying of, for, by, or on behalf of any person, partnership, association, or corporation; imposing duties on employers of lobbyists, on the Secretary of the Commonwealth and lobbyists: and providing penalties.

Mr. ZAPPALA, from the Committee on Counties, reported as committed House Bill No. 1253, entitled:

An Act providing for and regulating the appointment, promotion, reduction in rank and removal of paid members of the Bureau of Fire, Bureau of Police, Bureau of Detectives, Bureau of Electricity, Bureau of Electricity in connection with fire and police departments, Police Telephone Operators and their assistants, and Police Radio Operators and their assistants in counties of the second class in the cities, boroughs, towns, and townships within such counties, creating a county civil service commission in each such county, the members thereof to receive salaries to be payable by the counties, defining the powers and duties of such civil service commissions, imposing certain duties and expenses on such counties and the cities, boroughs, towns and townships located therein, imposing penalties and repealing inconsistent laws.

Mr. HOOPES, from the Committee on Boroughs and Townships reported as committed, House Bill No. 727, entitled:

An Act relating to the appointment of persons to the police departments in boroughs and townships of the first class; providing and regulating examinations, the manner of appointments and the manner and power of removal of employes of said departments; and providing a method for fixing compensation.

Mr. TAHL, from the Committee on Insurance reported as committed, House Bill No. 2376, entitled:

An Act to amend sections five hundred six and five hundred seven of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing procedure in the dissolution and liquidation of companies et cetera, and conferring additional powers and duties upon courts, the Insurance Commissioner and the Attorney General; providing for joint action in case of foreign compmanies.

Mr. WHITE, from the Committee on Counties, reported as committed, House Bill No. 2679, entitled:

An Act to provide for the payment of the expenses of maintenance and instruction of children, committed to Houses of Refuge which are not exclusively under the control of the Commonwealth, jointly by the Commonwealth and by the counties from which they may be sent; and providing a method for determining the amount due and collecting the same from the said counties.

Mr. BARBER, from the Committee on State Government reported as committed, House Bill No. 2852, entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee; and defining its powers and duties.

Mr. SCHWARTZ, from the Committee on Banking, reported as committed House Bill No. 2488, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National Banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business,

with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by and other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

Mr. SCHWARTZ, from the Committee on Insurance reported as committed, House Bill No. 2676, entitled:

An Act to further amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, seven hundred eighty-nine), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualifications, regulation, examination suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers, providing penalties; and repealing existing laws," by providing for the suspension, involuntary dissolution, and liquidation of corporations which have the power to insure owners of real property, mortgages, and others interested in real property from loss by reason of defective titles, liens, and encumbrances.

Mr. McKINNEY, from the Committee on State Government reported as committed, House Bill No. 2745, entitled:

An Act providing for the settling apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township, Dauphin County, occupied by the Harrisburg State Hospital.

Mr. JAMES L. SNYDER, from the Committee on Counties reported as amended, House Bill No. 248, entitled:

An Act fixing the salaries of court criers and tipstaffs in counties of the third class.

Mr. WEIDEMANN, from the Committee on Counties reported as committed, House Bill No. 1074, entitled:

An Act fixing the salaries of members of the county board of prison inspectors in counties of the third class.

Mr. ZIMMERMAN, from the Committee on Counties rereported as committed, House Bill No. 1010, entitled:

An Act to amend article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for a retirement system for county and poor district employes in counties of the third class.

BILL ON THIRD READING

Mr. SCHWARTZ asked and obtained unanimous consent to call up out of order House Bill No. 1703, Printer's No. 1064, on page 34, of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1703, entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. SCHWARTZ. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for Tuesday, May 21st, 1935 at 2.30 P. M. in the Hall of the the purpose of holding a public hearing to be held next House.

The motion was agreed to.

USE OF HALL OF HOUSE GRANTED COMMITTEE ON LAW AND ORDER

Mr. SCHWARTZ. Mr. Speaker, I move that the use of the Hall of the House be granted the Committee on Law and Order on Tuesday, May 21 at 2:30 P. M. for the purpose of holding a public hearing on House Bill No .1703.

The motion was agreed to.

RESOLUTION No. 132

Miss BRANCATO. Mr. Speaker, I desire to call up at this time Resolution No. 132, Printer's No. 829.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 17th, 1935.

Whereas, The United States Government has recently completed a large and beautiful Naval Hospital at the Navy Yard, located at Philadelphia; and

Whereas, The grounds immediately surrounding the aforesaid hospital are being used as a public dumping ground, on which there is continually being dumped ashes, rubbish and waste and which is being blown into the hospital and has been causing much annoyance, as well as being a possible source of disease, and

Whereas, The waste and rubbish on these surrounding grounds is slowly smoldering and giving off obnoxious fumes and smoke which in many cases increases the discomfort and the pain and suffering of the patients in the aforesaid hospital; therefore be it

Resolved, That the mayor and the council of Philadelphia has jurisdiction over these grounds, order the discontinuance of all dumping upon the immediate grounds surrounding the United States Naval Hospital at the Navy Yard at Philadelphia, and to prohibit the setting of fires to the waste thereon and to institute a program for the removal of this unsightly, unsanitary and disease producing area and the replacing thereof by an area marked by modern beautification through landscape gardening.

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION No. 139

Mr. CANNON. Mr. Speaker, I desire to call up at this time Resolution No. 139, Printer's No. 1043.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 29, 1935.

Whereas, In Philadelphia choas exists in the disbursing and distributiton of direct relief and work relief and

Whereas, Grants or allotments or appropriations are very much sought from this Commonwealth and be it

Resolved, That a complete investigation be made by five members of this House appointed by the Speaker of this House and therefore be it further

Resolved, That this committee be granted power to constitute the authority for conducting hearings regarding all sources of relief aid and assistance in the city of Philadelphia and be it further

Resolved, That each member of the committee shall constitute the authority whose power it shall be to conduct hearings to obtain any evidence they seek regarding direct relief work relief aid or assistance in the city of Philadelphia and be it further

Resolved, That each member of the committee shall have the power to administer oaths or affirmations to witness appearing before it any person who shall wilfully neglect to appear and testify before said committee or refuse to produce any books papers records or documents shall be subject to the laws provided by this Commonwealth and be it further

Resolved, That an item of expense be inserted in the general appropriations to pay the expense of said committee and any clerk and stenographic help or material used to make a complete investigation

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION No. 68.

Mr. WEIDEMANN. Mr. Speaker, I desire to call up at this time Resolution No. 68, Printer's No. 813.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 25, 1935.

Resolved (if the Senate concur) That the Legislative Reference Bureau is hereby directed to have printed as a legislative document three thousand copies of the First Class Township Law of June twenty-fourth one thousand nine hundred thirty-one (P. L. 1206) with all amendments thereto up to and including the regular session of one thousand nine hundred thirty-five to be distributed as follows five hundred copies for the use of the Senate one thousand copies for the use of the House of Representatives three hundred copies for the use of the Legislative Reference Bureau and the remaining copies to be distributed and sold by the Division of Documents of the Department of Property and Supplies in the manner provided by law

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL INTRODUCED

Mr. CORDIER asked and obtained unanimous consent to introduce a bill, the title of which was read by the Clerk as follows:

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimer Pulaski.

The SPEAKER. The bill will be filed with the Clerk.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2509, entitled:

An Act to amend section one of the act approved the twenty-first day of July one thousand nine hundred and nineteen (P. L. 1064) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as amended by providing that each of said judges in counties of the second class may appoint a clerk and providing for the compensation of said clerks

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2580, entitled:

An Act to further amend section one of the act approved the nineteenth day of August one thousand nine hundred thirty-two (Special Session Pamphlet Laws, page eighty-eight), entitled "An act creating the State Emergency Relief Board, consisting of the Governor, the Lieutenant Governor, the Auditor General, State Treasurer, and the Speaker of the House of Representatives; prescribing its powers and duties; empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed, in accordance with plans adopted by the board; and making an appropriation," by empowering the State Emergency Relief Board to utilize means and agencies which will facilitate the securing of cooperation and financial assistance from the Government of the United States.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1736, entitled:

An Act to amend sections eighteen and twenty-four of the act approved the fourth day of June, one thousand nine hundred and one (P. L. 404), entitled "An act relating to insolvency; embracing, among other matters, voluntary assignments for the benefit of creditors, and adverse proceedings in insolvency by creditors; forbidding, also certain preferences; providing for the distribution of the insolvent's estate, and in certain contingencies relieving him, and others liable with him, from further liability for his or their debts," shortening the time for the liquidation of the assets of an insolvent and the filing of an account by the assignee or receiver.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2442, entitled:

An Act to amend section twenty-six of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties;" changing certain provisions relating to the transfer of registration by removal notices.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1115, entitled:

An Act to limit the operation of the rule in Shelly's case by providing that certain grants and devises in trust or otherwise shall be construed not to create estates in fee

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2262, entitled:

An Act to prevent the lapsing or abatement of certain appropriations and charging the same against the revenues for the one thousand nine hundred thirty-five and one thousand nine hundred and thirty-seven fiscal biennium

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2641, entitled:

An Act to provide for and regulate counsel fees to garnishees in attachment proceedings

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2416, entitled:

An Act to further amend section fifty-eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses of other buildings devised; the abatement and survival of actions and the substitution of executors and administrators herein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and so generally dealing with the jurisdiction, powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," by repealing clause (c) and otherwise changing and revising said section.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2661, entitled:

An Act making an appropriation out of the General Fund of the State Treasury for the purpose of reimbursing certain special funds of the State Treasury for moneys transferred from such special funds to the General Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2519, entitled:

An Act making it unlawful for constables to wear certain types of uniforms

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2429, entitled:

An Act requiring return courts judges and boards sitting to record, compute and certify the returns of any primary, general, municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat, whether said election was conducted by the use of voting machines or paper ballots; providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast, shall be deemed a discrepancy and palpable error requiring investigation, defining the scope and extent of such investigation, and providing for an appeal from the decision thereon, prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof, county commissioners, county controllers, county treasurers, prothonotaries, registered commissions and other public officers, and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2430 (Senate Bill No. 73), entitled:

An Act to amend section fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State commitee of a political party to make, and to alter, amend, and revoke, rules, and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended, by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the county and canvass of the vote, and the sealing of the ballot box.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2253, entitled:

An Act requiring the Commonwealth political subdivisions persons firms and corporations to stipulate in specifications upon which contracts for the construction alteration or repairs of any work or improvement are entered

into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2440, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons, affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of certain private banks.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 237, entitled:

An Act to provide unemployment relief in the present emergency provide for funds for old age assistance providing and legalizing lotteries to raise approximately one hundred million dollars ($100,000,000) for such purpose creating a committee to conduct such lotteries conferring powers and imposing duties on certain State officers departments and agencies making an appropriation to the Department of Welfare for the old age assistance and prescribing the powers and duties of the board with reference thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2853, entitled:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 452, entitled:

An Act to amend part of section one of the act approved the tenth day of May one thousand nine hundred and twenty-one (P. L. 455) entitled "An act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution" by changing such districts in Lancaster County

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2538, entitled:

An Act to amend further a part of section forty-one of the act approved the seventh day of June one thousond nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof judgments and executions therefor sales and mortgages of real estate for the payment thereof and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real esate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and resignation of decree reports and other proceedings and the fees therefor appeals in certain cases and so generally dealing with the jurisdiction powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents" by authorizing executors administrators guardians and trustees to invest moneys in their custody or possession eligible for investment in mortgages insured and in debentures issued by the Federal Housing Administrator pursuant to title two of the National Housing Act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2100, entitled:

An Act to regulate and control the sale of baby chicks and started chicks the site of auctions auction sale barns and community sales or sold by hucksters or peddlers and imposing a penalty

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 301, entitled:

An Act to amend section nine of the act approved the thirty first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" modifying the age restriction for applicants who are veterans

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" is hereby amended to read as follows

Section 9 All applicants for any position in the fire department and as fire alarm operators and fire box inspectors in the bureau of electricity shall undergo a physical examination which shall be conducted under the supervision of a commission composed of doctors of medicine appointed for that purpose by the mayor said commission shall certify that an applicant is free from any bodily or metal defects deformity or diseases that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations No application will be received if the person applying is less than twenty-one years of age or more than thirty-five years of age at the date of his application Provided however That in event any applicant has formerly served in the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity of the city to which he makes application for a period of more than six months and no charges of misconduct or other misfeasance were made against such applicant within a period of two years next preceding the date of his application and is a resident of the city then such person shall be eligible for reinstatement in the discretion of the civil service commission even though such applicant shall be over the age of thirty-five years Such applicant providing his former term of service so justifies may be reappointed to the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity without examination other than a physical examination If such person is reinstated he shall be the lowest in rank in the department next above the probationers of the department And provided further That the provisions as to the ages of applicants shall not apply to honorably discharged soldiers sailors or marines who served with the Army or Navy of the United States during time of war

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, Page 2, Line 19, by inserting after the word, "age" and before the word "at" the following: "except honorably discharged soldiers, sailors or marines who served with the Army or Navy of the United States during time of war over forty-five years of age"; Amend Section 1, page 3, line 2, by inserting after the word, "years" the following: "or over forty-five years of age if such applicant is an honorably discharged soldier, sailor or marine who served in the Army or Navy of the United States during time of war"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" modifying the age restriction for applicants who are veterans.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2690, as follows:

An Act to regulate and control the use of the public highways of this Commonwealth by carriers operating motor vehicles for compensation or hire other than common carriers along and over the public highways of this Commonwealth defining private contract carriers requiring private contract carriers to procure permits empowering The Public Service Commission to grant revoke and suspend permits empowering The Public Service Commission to fix minimum rates fares and charges of private contract carriers prescribe maximum hours of employment for drivers of private contract carriers trucks requiring identification insignia to be displayed in or on private contract motor trucks prescribing fees and penalties increasing the jurisdiction of the Court of Common Pleas of Dauphin County and providing appeals from the orders of The Public Service Commission

Whereas the highways of this Commonwealth are public property and

Whereas their primary and preferred use is for private purposes and

Whereas their use for purposes of gain or profit is special and extraordinary the control and regulation of which is entrusted to the General Assembly of this Commonwealth and

Whereas it is the duty of the General Assembly to protect the highways of the Commonwealth in order to prevent interference with their primary use and

Whereas the rapid increase of traffic by motor truck and the fact that under existing laws the owners and operators of motor trucks for purposes of gain are not effectively regulated and have increased the danger and hazard on public highways making it imperative that very substantial regulations be employed to the end that the highways may be made more safe for the use of the general public that the wear of such highways may be reduced and that congestion of traffic may be minimized and

Whereas all common carriers are subject to regulations as to rates and facilities under the existing laws and

Whereas common carriers compete with other carriers by motor vehicles whose rates and services are not now regulated by law and

Whereas the public interest requires that the rates and services of motor carriers other than common carriers be controlled and regulated therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the business of operating as a motor carrier of property for compensation or hire other than as a common carrier along and over the highways of this Commonwealth is hereby declared to be a business affected with a public interest sufficient to justify the regulation of the use of the highways of this Commonwealth by such motor carriers Such use of the highways is hereby restricted to the extent required by the interest of the general public

Section 2 The following words and phrases shall have the meanings ascribed to them in this section unless the context indicates a different meaning

"Commission" The Public Service Commission of this Commonwealth

"Contract carrier" Any motor carrier as herein defined transporting property for compensation or hire over any public highway in this Commonwealth other than as a common carrier

"Department of Highways" The Department of Highways of this Commonwealth

"Motor carrier" Any person firm corporation company copartnership association or joint stock association and their lessees receivers or trustees appointed by any court whatsoever owning controlling managing operating or causing to be operated any motor-propelled vehicles used in transporting property for compensation or hire along or over any public highway in this Commonwealth

"Permit" The permit issued to contract carriers under the terms of this act

"Person" A natural person a firm copartnership corporation company an association or a joint stock company

"Public highway" Every public street road or highway or thoroughfare in this Commonwealth used by the public

The singular shall include the plural and the masculine the feminine and neuter

Section 3 (a) No contract carrier shall operate along or over any public highway of this Commonwealth except in accordance with the provisions of this act provided however that nothing in this act or any provision thereof shall be construed or held to apply to the transportation of agricultural products commodities or livestock and provided further that nothing in this act or any provision thereof shall be construed or held to in any manner affect limit or deprive counties townships cities boroughs or towns from exercising any of the powers granted to them under the Constitution and laws of this Commonwealth

(b) No contract carrier shall after this act goes into effect operate along or over any public highway in this Commonwealth without first having obtained from the Commission a permit so to do which permit shall not be issued until the applicant shall have in all things complied with the requirements of this act

Section 4 (a) The Commission is hereby vested with power and authority and it is hereby made its duty to supervise and regulate the transportation of property for compensation or hire by contract carriers along or over the public highways of this Commonwealth to fix prescribe or approve the minimum rates fares and charges of each and every contract carrier in accordance with the provisions of this act to prescribe all rules and regulations necessary for the effective control of contract carriers to prescribe rules and regulations for the safety of operations of each of such contract carriers to require all contract carriers to keep a set of accounts strictly in accordance with such classification of accounts and rules in respect thereto as may be established by the Commission and to file reports and such other data as the Commission may deem necessary and to supervise and regulate contract carriers in all matters affecting relations between such contract carriers and the shipping public that may be necessary in the interests of the public

(b) The Commission is authorized and empowered and it shall be its duty to supervise and regulate contract carriers in all matters necessary to carefully preserve foster and regulate transportation for hire and to relieve the existing and all future undue burdens of the public highways arising by reason of use of the highways by contract carriers adjusting and administering its regulation in the interest of the public

(c) The Commission in prescribing and adopting rules and regulations and in forming its conclusions and in prescribing its orders may ascertain the condition of the public highways involved and the ability of said public highways to carry the existing and proposed additional traffic and the Commission may give consideration to the orders regulations or recommendations of the Department of Highways or any municipality in through or between which contract carriers operate or propose to operate provided however nothing herein contained shall be deemed to restrict the powers of the Department of Highways under existing laws

Section 5 (a) No motor carrier now operating as a contract carrier or that hereafter may desire to engage in the business of a contract carrier shall so operate until it shall have received a permit from the Commission to engage in such business and such permit shall not be issued until the applicant shall have in all things complied with the requirements of this act nor shall such permit be issued unless the character of business being done or to be done by the applicant conforms with the definition of a contract carrier

(b) The application for a permit shall be in writing and shall set forth the following facts

1 The name and address of the aplicant and the names and addresses of its officers if any and full information concerning the financial condition and physical properties of the applicant

2 The nature of the transportation the territory to be covered by the operation the charges rates and fares to be made therefor and the condition and character of the public highways along or over which the applicant proposes to operate

3 The description of each vehicle which the applicant proposes to use including weight size and the carrying capacity of each vehicle

(c) Any person now lawfully operating as a contract carrier in this Commonwealth who may desire to continue in the business shall file an application for a permit under the terms of this act within thirty days after the effective date hereof and it shall be the duty of the Commission to determine such application forthwith and such applicant may subject to provisions of this act and the orders rules and regulations of the Commission continue to operate as a contract carrier pending the determination by the Commission of such application

Section 6 (a) Upon the filing of an application for a permit the Commission shall fix a time and plact for hearing and the place of hearing shall be in the City of Harrisburg unless otherwise ordered by the Commission Notice of the filing of said application and the time and place of hearing shall be given by mail not less than ten days exclusive of the day of mailing before such hearing addressed to the owner or owners of existing transportation facilities serving the territory which the applicant seeks to serve as well as to the Deparmen of Highways of the Commonwealth of Pennsylvania and to the Chief Executive Officer of any municipality in through or between which the applicant seeks to operate

(b) The hearing on an application for a permit shall be conducted under such rules and regulations as the Commission may prescribe and the parties interested may appear either in person or by counsel and present such evidence and argument as the Commission may deem pertinent It shall be the duty of the Department of Highways upon the request of the Commission to furnish informaion relating to the highway or highways designated in such application as well as such other information as the Commission may deem pertinent to the hearing

(c) Upon the request of any party at interest in a contested hearing of any nature the proceedings shall be taken down and reported by a reporter under the direction of the Commission

(d) After hearing and such investigation as the Commission may make it shall be the duty of the Commission to grant or attach to the grant such conditions as it deems necessary or refuse the application and give notice thereof to all interested aprties and shall if requested along with its order file a concise written opinion

setting forth the facts and grounds for its action and such information shall be admissible evidence on any appeal taken therefrom

(e) No permit shall be granted by the Commission if the Commission shall be of the opinion after hearing that the proposed operation of any contract carrier will impair the efficient public service of any common carrier then adequately serving the same territory or impose undue burdens upon the public highway or highways along or over which said contract carier proposes to operate

(f) The Commission at any time after hearing had upon notice to the holder of any permit and after opportunity given such holder to be heard may by its order revoke suspend or amend any permit issued under the provisions of this act where after such hearing the Commission shall find such permit holder has discontinued operation or has violated or neglected to observe the Commission's lawful orders rules rates or regulations or has violated the terms of suh permit Provided however That the holder of such permit shall have the right of appeal as provided in this act

Section 7 The Commission is hereby vested with power and authority and it is hereby made its duty to prescribe rules and regulations governing the operations of contract carriers along and over the public highways of this Commonwealth in competition with common carriers and the Commission shall prescribe the minimum rates fares and charges to be collected by contract carriers In fixing such minimum charges for contract carriers the Commission shall take into account the rates prescribed for common carriers for substantially the same service and such other factors as in the pudgment of the Commission may seem relevant

Section 8 No contract carrier operating in whole or in part along or over the highways of the Commonwealth under a permit from the Commission or any officer or agent of such contract carrier shall require or knowingly permit any driver or his helper to drive or operate a motor truck for a longer period than twelve consecutive hours and whenever such driver or helper shall have been continuously on such duty for twelve hours he shall be relieved and shall not be required or knowingly permitted to again go on duty until he has had at least eight consecutive hours off duty and no such driver or helper who has been on such duty twelve hours in the aggregate in any twenty-four hour period shall be required or knowingly permitted to continue or again to go on duty without having had at least eight consecutive hours off duty provided however that in cases of emergency caused by an act of God the foregoing restrictions as to hours shall not apply

Section 9 (a) The Commission shall prescribe the identification card which must be displayed within the cab of each motor vehicle setting out the permit number and the route or territory over which the vehicle is authorized to operate giving the name and address of the owner of said permit The identification card herein provided for shall be in such form and shall contain such reasonable information as the Commission may require

(b) It shall be unlawful for the owner of a permit his agent servant or employe to use or to display upon any motor vehicle the permit number or other insignia of authority from the Commission after such permit has expired or has been cancelled or disposed of

(c) It shall be unlawful for any contract carrier or the owner of a permit or hsi agent servant or employe directly or indirectly to offer permit or to give to any person directly or indirectly any commission or consideration to induce such person to deliver to such contract carrier or permit holder property to be transported and it likewise shall be unlawful for any shipper or consignee or his agent servant or employe to receive from such contract carrier or permit holder directly or indirectly any such commission or consideration as an inducement to secure the transportation of any such property Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction be punished by a fine not to exceed two hundred dollars ($200.00) and each transgression shall constitute a separate offense

(d) If any contract carrier or any officer agent clerk servant or employe of any contract carrier in this Commonwealth shall directly or indirectly or by any special rate rebate drawback or other device for or on behalf of such contract carrier knowingly charge demand or contract or collect or receive from any person firm or corporation a less compensation for any service rendered or to be rendered by any such contract carrier than is prescribed for such services by said Commission such contract carrier or any officer clerk servant or employe or receiver his agent servant or employe of such contract carrier shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed two hundred dollars ($200.00) for each offense

Section 10 (a) Every application for a permit shall be accompanied by a filing fee in the sum of ten dollars ($10.00) which shall be in addition to all other fees and taxes and shall be retained by the Commission whether or not the permit be granted

(b) Every contract carrier shall at the time of issuance of a permit to him and annually thereafter on or before January first of each calendar year pay a special fee of ten dollars ($10.00) for each motor vehicle operated or to be operated by such contract carrier

Section 11 It shall be the duty of the Commission to enforce the provisions of this act The Commission may institute in the name of the Commonweaith in the Court of Common Pleas of Dauphin County or any county where the principal office of the contract carrier is located injunction mandamus or other appropriate legal proceedings to restrain violations of this act or to enforce the orders of the Commission The Court of Common Pleas of Dauphin County is hereby clothed with jurisdiction throughout the Commonwealth to hear and determine all such actions

Section 12 Within thirty days after filing of any finding or determination by the Commission unless an application for a rehearing may be pending and then within thirty days after the refusal of such application or the entry of an order modifying amending rescinding or affirming the original finding determination or order any party to the proceedings affected thereby may appeal therefrom to the Superior Court as provided in article six sections fourteen to thirty-two inclusive of the act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) commonly known as "The Public Service Company Law" as amended

Section 13 (a) If any contract carrier shall violate any of the provisions of this act or shall do any matter or thing herein prohibited or shall fail omit neglect or refuse to perform any duty enjoined upon it by this act or shall fail omit neglect or refuse to obey observe and comply with any final direction requirement determination or order made by the commission or to comply with any final judgment order or decree made by the Superior Court such contract carrier for such violation omission failure neglect or refusal shall forfeit and pay to the Commonwealth of Pennsylvania the sum of fifty dollars to be recovered by an action of assumpsit instituted in the name of the Commonwealth of Pennsylvania in the Court of Common Pleas of Dauphin County which court is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions

In construing and enforcing the provisions of this section the violation omission failure neglect or refusal of any officer agent or other person acting for or employed by any such contract carrier acting within the scope of his employment shall in every case be deemed to be the violation omission failure neglect or refusal of such contract carrier

(b) Each and every day's continuance in the violation of any final direction requirement determination or order of the Commission or of any final judgment order or decree made by the Superior Court or by the Supreme Court shall be a separate and distinct offense Provided however That if any interlocutory order of supersedeas or a preliminary injunction be granted on penalties shall be incurred or collected for or on account of any act matter or thing done in violation of such final direction requirement determination order or decree so superseded

or enjoined for the period of time such order of supersedeas or injunction is in force

Section 14 It is hereby declared that

(a) The provisions of this act are severable and if for any reason one or more of such provisions be judicially held to be unconstitutional as applicable to any subject matter dealt with by such provision or to be held unconstitutional for any reason such holding or decision shall not affect the validity of such provision or provisions as applicable to other subject matters dealt with thereby or the validity of the remaining provisions of this act It is hereby declared to be the legislative intent that such remaining provisions would have been enacted notwithstanding such judicial determination

(b) The purpose of this act is not to convert contract carriers into common carriers or to require them to devote their property to any different or greater public use than that to which they already voluntarily have dedicated it or to render any service beyond that which they have contracted to render but merely to fix and impose reasonable conditions upon the permissible use which contract carriers may make of the public highways as a place of business

(c) The safety and welfare of the public the preservation and maintenance of the public highways and the nature and effectiveness of the regulation of common carriers require the regulation of contract carriers to the extent herein provided and the business of contract carriers is effected with a public interest sufficient to justify their regulation to such extent

Section 15 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 637, as follows:

An Act to insure bituminous coal miners of correct weight for coal loaded by them and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That within fifteen days after the effective date of this act at every bituminous coal mine in this Commonwealth where coal is weighed in mine cars prior to being dumped the tare in pounds of avoirdupois weight of every mine car used in loading and in transportation of coal shall be branded painted or otherwise marked plainly upon each and every car for the purpose of ascertaining the actual weight of coal contained in each car when weighed Any mine owner or operator or both or their agent or agents violating the provisions of this act shall be fined one dollar per car and costs upon conviction in summary proceedings for each and every day the mine works as long as the car or cars are not in conformity with this act

Section 2 The sealer of weights and measures of the county wherein the mine is located on receiving from the checkweighman or three or more miners working in the mine notice in writing that a car or cars are being used in the mine where he or they are employed not in accordance with this act shall within three days from the date of receiving said notice if he find such complaint to be well founded institute proceedings to enforce the provisions of this act under penalty in like proceedings of ten dollars and costs for each and every day he permits such car or cars to be operated in the mining of coal

Section 3 The tare of each and every mine car at every mine coming within the provisions of this act shall be taken at intervals mutually agreed upon by operators and miners of each mine but not to exceed three months from the date of the last or previous determination Operators failing to carry out the provisions for taring cars as contained in this section shall be subject to the same penal action and penalty on conviction as provided in section one hereof

Section 4 All money received or taken for violations of this act shall be paid into the State Treasury for old age assistance

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2318, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan association providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger consolidation or conversion

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by th authority of the same That Section 2 Section 203 Section 204 Section 313 Section 402 Section 411 Section 415 section 604 Section 616 Section 618 Section 621 Section 801 Section 803 Section 910 Article ten (X) and Section 1112 of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An Act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associatins defining the right powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan association conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 2 Definition A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger or consolidation and also what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of the association

"Association" includes any building and loan association organized under this act or heretofore organized under or by virtue of any other law of this Commonwealth

"Authorized Capital" means the sum of the par value of the shares authorized to be issued by an association

"Corporation" means a corporation or joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foreign country or dependency

"Department" means the Department of Banking of this Commonwealth

"Incorporator" means a signer of the original articles of incorporation

"Mortgage Loans" means loans which are secured pursuant to the provisions of this act by the bond of the borrower by a mortgage on real property and by installment shares

"Person" means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Shares" means the units into which the shareholders' rights to participate in the control of a building and loan association are divided

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "Certificate of stock" as used in existing laws

"Share Loans" means loans which are secured pursuant to the provisions of this act by the note of the borrower and by prepaid full-paid or installment shares

"Shareholder" means a registered owner of shares in a building and loan association

"Subscriber" means one who subscribes for shares in a building and loan association whether before or after incorporation

"Written" includes printed typewriten engraved lithographed telegraphed cabled radiogramed photographed photostated telephotographed or other form of recorded or transmitted message

B The singular shall be construed to include the plural The masculine shall be construed to include the geminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 203 Place of Business Change of place of Business A An association shall not hold any of the regular meetings of its directors grant any loans or transact any business except at the place of business designated in its by-laws but the collection of dues interest premiums and fines by any corporation or person authorized by the association to make such collection at any place other than the place of business of the association and the holding of shareholders' meetings shall not be construed to be the transaction of business within the meaning of this section In the event that the place of business designated in the by-laws becomes unavailable the directors may specify another place within the city borough or township as a temporary place of business

B An association may change its place of business to any place within the city borough or township named in its articles in the manner provided in its by-laws An association upon changing its place of business shall forthwith give notice of such change to the Department of Banking [and the Department of State]

Section 204 Brank Offices and Sub-Agencies An association shall not establish maintain or operate either directly or indirectly any branch association brank office agency sub-office sub-agency or branch place of business within this Commonwealth for the holding of the regular meetings of its directors the granting of any loans or the transaction of any part of its business but all of the business of such association shall be carried on solely and exclusively at its place of business The collection of dues interest premiums and fines by any corporation or person authorized by the association to make such collection at any place other than the place of business of the association and the holding of shareholders' meetings shall not be construed to be the transaction of business within the meaning of this section

Section 313 By-laws Adoption Amendment or Repeal Approval by Department A Except as herein otherwise provided the shareholders shall have the power to make alter amend and repeal the by-laws of an association The authority to make by-laws may be expressly vested by the articles in the board of directors subject to the power of the shareholder to change or repeal such by-laws but the board of directors shall not make or alter any by-laws fixing their qualifications classification term of office or compensation [or] any by-laws regulating the proportion of the profits of the association or the rate of interest paid to a withdrawing shareholder or any by-laws authorizing the board of directors without action by the shareholders of the association to approve a plan of merger Unless the articles or by-laws otherwise provided the by-laws shall be adopted altered amended and repealed by a majority vote of the board of directors or of the shareholders entitled to vote thereon as the case may be at any regular or special meeting duly convened after notice to the shareholders or directors of that purpose

B The by-laws of an association may contain any provision for the regulation and management of the affairs of such association not inconsistent with law or the articles

C Immediately upon the adoption of the by-laws or of any additions thereto or any alteration amendment or repeal thereof notice of such fact and a copy of such by-law or such alteration amendment or repeal shall forthwith be sent to the Department of Banking The Department of Banking shall have the power to disapprove for any reasonable cause stated in writing any such by-law or any such alteration amendment or repeal thereof but such by-law alteration amendment or repeal shall be effective until the department actually disapproves it and gives notice thereof to the association

Section 402 Term of Office and Qualification of Directors A The business and affairs of every association shall be managed by a board of at least five directors Except as otherwise provided by this act or by the articles or by-laws of the association such board of directors shall exercise all the powers and fulfill all the duties granted to or imposed upon the association by this act

B Each director shall hold office for the term for which he is elected and until this successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders

C Every director shall during his term of office be a citizen of the United States and [a bona fide resident in this Commonwealth Every director shall own in his own name and free of any lien or encumbrance at least five shares of the association but the number of shares required to be owned by any person who is a director of an association upon the effective date of this act shall be the same as was required by the articles or by-laws of such association prior to the effective date of this act so long as such director shall serve continuously The share certificates or the passbook or other receipt for the minimum number of shares which each director is required to own free of any lien or encumbrance shall be filed unendorsed unpledged and unassigned by him with the treasurer of the association Such shares shall remain in the custody of the treasurer during the term of office of such director

Any director who during his term of service pledges assigns or in any manner ceases to be the owner in his own name of the number of shares which he is required to own free of any lien or encumbrance shall forthwith cease to be a director of the association and his office shall be vacant] at least two-thirds of the directors shall during their terms of service be bona fide residents in this Commonwealth

Every director shall be a shareholder of the association Any director who during his term of service ceases to be a shareholder shall forthwith cease to be a director of the association and his office shall be vacant Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

Section 411 Bonds of Officers Directors and Employes A The officers directors and employes of every association [as well as any directors]who are authorized to receive payments of moneys or to handle negotiable securities on behalf of such association shall before entering upon the performance of their duties furnish to it bonds in such form and in such amount as is specified with such corporate surety as is approved by the directors [Such bond shall be conditioned upon the faithful performance of the duties of such officers directors or employes] The cost of such bonds may be paid by the association

B The department shall have the power to require any such officer employe or director at any time during his term of office or employment to furnish a bond in an amount greater than that required by the board of directors or it may require new or additional corporate surety

Section 415 Purchases from and Sales to Directors Officers Solicitors or Employes A An association shall not contract for or purchase from any of its directors officers solicitors or employes any securities or other property or contract for or pay for services rendered in the repair maintenance or management of properties belonging to or under the control of the association unless such [purchase] transaction is made in the regular course of business upon terms not less favorable to the association than those offered to any other corporation or person unless such [purchase] transaction could not be made [from] with another reliable source at a more favorable price or upon more favorable terms and unless such [purchase] transaction is authorized by the vote of at least two-thirds of all the members of the board of directors or such association who are not interested in such transaction except in the capacity as directors of the association

B An association shall not sell securities or other property owned or held by it to any of its directors officers solicitors or employes unless such sale is made in the regular course of business upon terms not less favorable to the association than those offered to any other corporation or person unless such sale could not be made elsewhere at a more favorable price or upon more favorable terms and unless such sale is authorized by the vote of at least two-thirds of all the members of the board of directors of such association who are not interested in such transaction except in their capacities as directors of the association

C For the purpose of this section a purchase from or a sale to a corporation of which any director officer solicitor or employe described in this section owns ten per centum or more of the outstanding shares or a purchase from or a sale to an unincorporated association of which any such director officer solicitor or employe is a member shall be considered a purchase from or a sale to such director officer solicitor or employe

D Any director officer solicitor or employe of an association who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction.

Section 604 Membership or Withdrawal Fees Other Charges An association shall not levy upon any shareholder or upon any corporation or person intending to become a shareholder a [membership or] withdrawal fee or any other charge not specifically permitted by this act

An association may levy upon any shareholder or upon any corporation or person intending to become a shareholder a membership fee which shall not exceed one-eighth of one per centum of the par value of each share issued All membership fees so paid shall be credited to the general profit account of the association and shall not be credited as dues in the passbook or other receipt issued to the shareholder

Section 616 Order of Payment and Funds to Be Used to Pay Matured or Withdrawn Shares Power to Sue A Withdrawn or matured shares shall be paid in the order in which the withdrawals become effective or maturities which are declared upon the same day shall be paid on a pro rata basis However the board of directors may at any time either authorize payment of withdrawn [or matured] shares on a pro rata basis or with the consent of the department fix a maximum amount to be paid periodically on such shares The action of the board of directors in authorizing payment to be made on a pro rata basis or in fixing a maximum amount to be paid periodically shall also apply to unpaid withdrawals which became effective [or to unpaid maturities which were declared] prior to the date on which such action was taken by the board of directors

B At least two-thirds of the funds in the treasury of an association shall be applied to the payment of matured or withdrawn shares whenever such amount is necessary for this purpose but the association shall first deduct such amount as shall be necessary to pay current expenses and interest or dividends on full-paid shares to protect or preserve the assets of the association and to make proper provisions for meeting such obligations as it may reasonably be expected to be compelled to pay Whenever two-thirds of the funds in the treasury other than such amounts as are required by this section to be deducted are insufficient to pay in full all matured or withdrawn shares one-third of such funds shall be applied to the payment of matured shares and one-third to the payment of withdrawn shares but if less than one-third of such funds shall be sufficient to pay in full all matured shares the balance of such one-third shall be applied to pay withdrawn shares and conversely if less than one-third of such funds shall be sufficient to pay in full all withdrawn shares the balance of such one-third shall be applied to pay matured shares

C Whenever funds are not available in the manner hereinbefore provided to pay any matured or withdrawn share upon which payment has been due for a period in excess of six months [all] eighty per centum of the funds in the treasury other than such amounts as are required by this section to be deducted shall be applied to the payment of matured or withdrawn shares Whenever [all] eighty per centum of the funds in the treasury other than such amounts as are required by this section to be deducted are insufficient to pay in full matured or withdrawn shares [one-half] forty per centum of such funds shall be applied to the payment of matured shares and [one-half] forty per centum to the payment of withdrawn shares If less than [one-half] forty per centum of such funds shall be sufficient to pay in full all matured shares the balance of such [one half] forty per centum shall be applied to pay withdrawn shares and conversely if less than [one-half] forty per centum of such funds shall be sufficient to pay in full all withdrawn shares the balance of such [one-half] forty per centum shall be applied to pay matured shares

D Whenever matured or withdrawn shares have not been paid by an association for a period of six months after the maturities have been declared or the withdrawals have become effective owing to the fact that the funds in the treasury which under this act are to be applied to the payment of such shares are insufficient to pay them in full so much of the bonds or other obligations of the United States of the Commonwealth of Pennsylvania or of a Federal Home Loan Bank owned by the association as shall be necessary to pay such matured or withdrawn shares shall be sold and the proceeds paid into the treasury of the association to be used to pay such shares unless the department shall give written permission to the association to hold such bonds or other obligations for a longer period of time

E For the purpose of this section the words "funds in the treasury" shall be construed to include all moneys received by the association from any source whatsoever except money borrowed from the Federal Home Loan Bank

F The holders of matured or withdrawn shares shall not have the power to sue for the amount due them by virtue of such maturity of such withdrawal until such time as under the provisions of this section such matured or such withdrawn shares should have been paid

Section 618 Restriction on Dividends on Full-Paid Shares Undivided Profits A The rate of cash dividend or periodical interest paid on full-paid shares during any year shall not exceed the [net] rate of [dividends earned] earnings apportioned during such year [on all the outstanding] to installment or prepaid shares of the association [less the amount thereof if any set aside as a reserve for contingent losses]

B An association may retain earnings in an undivided profit account to be used at the discretion of the board of directors for that purpose of paying additional dividends provided that the total undivided profits on hand at any one time shall not exceed two per centum of the amount paid in by shareholders on account of shares

Section 621 Reduction of Liability to Shareholders Whenever the losses of any association resulting from a depreciation of its securities or otherwise exceed its ac-

cumulated profits and its reserve for contingent losses so that the fair value of its assets is less than the total amount due its creditors and shareholders the court of common pleas of the county in which the place of business of the association is located may upon the petition of the association approved by a majority of all its directors and by the department order a reduction of its liability to its shareholders [in such manner as to distribute the loss equitably among such shareholders] The manner of apportioning the losses among the corporations or persons whose claims arose through the ownership of shares of the association shall be the same as that provided by this act in the case of an association which is in possession of the Secretary of Banking as receiver or which is being liquidated in pursuance of a plan of voluntary dissolution authorized by this act

Such petition shall be advertised at least once in a newspaper of general circulation

Section 801 Powers of Association In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to an association elsewhere in this act an association shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To issue full-paid prepaid and installment shares

(2) To borrow money and in the case of the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than a national bank to pledge collateral therefor

(3) To grant loans to its shareholders

(4) To make investments

(5) To become a member of the Federal Home Loan Bank or of any other corporation or agency established under the authority of the United States Government and to comply with any of the provisions required for membership in the Federal Home Loan Bank or in such other corporation or agency provided the association is authorized to do so by resolution of its board of directors

(6) To become a member of a league or leagues organized to protect and promote the interests of building and loan associations and to pay dues to or a proportionate share of the expenses of such league or leagues

(7) To purchase improve or lease real property for its accomodation

(8) To make application for and obtain insurance of mortgage and of shares or accounts as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

Section 808 Segregation of Dues Upon Order of Department A Whenever it shall appear to the department that the affairs of an association are in such condition that the action hereinafter provided in this section is justfied the department may be written order issued in the manner provided by law direct that all payments of dues made on account of installment shares which have not been transferred and pledged to the association as security for loans shall be segregated from the other assets of the association and that the association shall not grant any further loans [issue any new shares] make any payments on account of withdrawn or matured shares or allow any credit for the value of any shares on account of the principal of any loan until such order is revoked in writing by the department Such order of the department shall be known as an order of segregation Such segregated money shall either be kept on deposit in a depository selected in the manner provided by this act or invested in the bonds designated by this act as authorized investments for associations The moneys so segregated and the bonds in which such moneys are invested shall be known as the segregated fund

If an association at any time after an order of segregation has become effective has no liability except to its shareholders arising from the ownership of shares it may with the written consent of the department transfer to the segregated fund a portion or all of any cash which it may have on hand and bonds if any designated by this act as authorized investments Cash and bonds so transferred shall become a part of the segregated fund the same as though paid into the segregated fund by the shareholders whose shares are not pledged to the association as security for loans in proportion to the amounts paid in on account of their shares on the date that the order of segregaion was issued Such segregated fund shall not be subject to any attachment issued on a judgment obtained by any creditor or shareholder of the association

During the period of segregation the segregated fund shall be available exclusively for the benefit of the shareholders who made such payments or for whose benefit the transfer of cash and bonds was made and may be withdrawn during such period of segregation upon thirty days' written notice

B All dues paid in during the period of segregation by shareholders whose shares are pledged to the association as security for loans shall be known as segregated credits and shall be applied as credits against the principal of any loans so secured which are repaid during the period of segregation

When any transfer of cash and bonds is made to the segregated fund the shareholders whose shares are pledged to the association as security for loans shall be entitled to segregated credits which shall bear the same relation to the amounts paid in by them on account of their shares prior to the effective date of the order of segregation as the amount of cash and bonds so transferred bears to the total amount paid in on account of shares prior to the effective date of the order of segregation by shareholders whose shares are not pledged as security for loans

If at any time during the period of segregation the segregated credits on shares pledged for a loan exceed the amount of the loan for which such shares are pledged all payments made by the borrower thereafter shall be segregated in the same manner as payments made by shareholders whose shares have not been pledged to the association as security for loans

C If the Secretary of Banking shall in the manner provided by law take possession of the business and property of an association while an order of segregation is in force or if a liquidating trustee or liquidating trustees shall pursuant to a plan of voluntary dissolution take possession of the business and property of such association while such order as in force the amount in the segregated fund shall be paid only to the shareholders whose payments were segregated or for whose benefit the transfer of cash and bonds was made and only to the extent that they can be paid from the segregated fund or from the proceeds of the sale of the bonds in which such segregated fund has been invested and the shareholders whose shares have been transferred and pledged as security for loans shall receive credit on account of the principal of their loans for the full amount of their segregated credits

D If an association while an order of segregation is in force shall enter into an agreement of merger or consolidation with another association or with other associations the shareholders whose shares have not been pledged to the association as security for loans shall receive credit in full for their interest in the segregated fund on account of the shares of the surviving or new association into which their shares are converted and the shareholders whose shares have been pledged to the association as securtiy for loans shall receive credit in full for their segregated credits on account of the shares of the surviving or new association into which their shares are converted

E If while an order of segregation is in force the liability of an association to its shareholders shall be reduced by order of the court of common pleas pursuant to the provisions of this act the interest of the shareholders in the segregated fund and the segregated credits of shareholders shall not be reduced by the order of court but such shareholders shall receive credit in full on account of their shares for such interest in the segregated fund or for such segregated credits

F The department may revoke an order of segregation whenever it shall appear that the condition of an association justifies such action In such event the association may exercise all the powers it could have exercised prior to the issuance of such order It shall treat all payments on account of shares or otherwise made by shareholders

during the period of segregation and all segregated credits in the same manner as all other payments on account of shares whenever made

G The department in its order of segregation may impose all or any part of the directions authorized by this section or may limit modify or qualify them and may also from time to time after an order of segregation has been issued by an amended order or orders limit modify or qualify directions already given In the event that a limited modified or qualified order of segregation is issued by the department the association shall have the right to conduct its business in accordance with such order or amended order of segregation as limited modified or qualified

Section 910 Security for Share Loans An association may grant share loans to any of its shareholders upon the following security only The note of the borrower secured by the transfer and pledge to the association of installment full-paid or prepaid shares which have not previously been transferred or pledged to anyone other than the association the amount paid in on account of such shares prior to or at the time of the granting of any loan upon the security of such shares shall be at least equal to the total amount of all loans granted thereon

ARTICLE X
MERGER [AND] CONSOLIDATION AND CONVERSION

Section 1001 Merger [and] Consolidation and Conversion Authorized A Any two or more associations may in the manner hereinafter provided in this act be merged into one of such associations hereinafter designated as the surviving association or consolidated into a new association to be formed under this act

B One or more associations and one or more Federal savings and loan associations operating under the laws of the United States may in the manner hereinafter provided in this act and pursuant to the laws of the United States be merged into an association hereinafter designated as the surviving association or into a Federal savings and loan association or consolidated into a new association to be formed under this act or into a new Federal savings and loan association and an association may in the manner hereinafter provided in this act and pursuant to the laws of the United States be converted into a Federal savings and loan association and any Federal savings and loan association may in the manner hereinafter provided in this act and pursuant to the laws of the United States be converted into an association hereinafter designated as the convered association No merger consolidation or conversion authorized by this subsection shall become effective until the Federal Home Loan Bank Board shall have given its written approval

Section 1002 Approval of Joint Plan or Merger or Consolidation or Plan of Conversion A board of directors of each of the associations which desire to merge [or] consolidate or convert shall be resolution adopted by at least a majority of all the members of each board approve a joint plan of merger or consolidation or a plan of conversion as the case may be setting forth the terms and conditions of the merger [or] consolidation or conversion and the mode of carrying the same into effect the manner and basis of converting the shares of each association or Federal savings and loan association into shares of other securities or obligations of the surviving [or] new [corporation] or converted association or Federal savings and loan association as the case may be and such other details and provisions as are deemed necessary

B The board of directors of each association or Federal savings and loan association upon approving such plan of merger [or plan of] consolidation or conversion in accordance with the provisions of this act shall by resolution direct that the plan be submitted to a vote of the shareholders of such association or Federal savings and loan association entitled to vote thereon at an annual or special meeting of the shareholders Written notice shall not less than fifteen days before such annual or special meeting be given respectively to each shareholder of record unless the plant of merger or [plan of] consolidation contemplates an increase in the authorized capital of the constituent associations in which event sixty days' notice of such meeting shall be given to each shareholder The notice shall state the place day hour and purpose of the meeting and a copy or a summary of the plan of merger [or plan of] consolidation or conversion as the case may be shall be included in or enclosed with such notice

Provided however that in the case of the surviving association in a merger if the articles or by-laws specifically so provide the plan of merger shall not be required to be submitted to the shareholders for approval

And provided further that in such event upon request in writing to the secretary of the association any shareholder of the surviving association shall be entitled to receive forthwith a copy of the proposed plan of merger

C The plan of merger [or] consolidation or conversion to form a surviving new or converted association shall be ratified upon receiving the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote thereon of each of the merging or consolidating associations or Federal savings and loan associations or in the case of a surviving association the articles or by-laws of which pursuant to this act provide that action by the shareholders shall not be required upon the expiration of twenty day from the date of the publication of the advertisement of intention of the board of directors to file articles of merger with the Department of State

D The plan of conversion of an association into a Federal savings and loan association or the plan of merger or consolidation of one or more associations with one or more Federal savings and loan associations to form a Federal savings and loan association shall be ratified upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote thereon of the association converting or of each of the merging or consolidating associations

Section 1003 Articles of Merger [or] Consolidation or Conversion Upon the approval pursuant to the provisions of this act of the plan of merger [or the plan of] consolidation or conversion by the shareholders of the associations or Federal savings and loan associations desiring to merge [or] consolidate or convert or in the case of a surviving association the articles or by-laws of which pursuant to this act provide that action by the shareholders shall not be required upon the expiration of twenty days from the date of the publication of the advertisement of intention of the board of directors to file articles of merger with the Department of State articles of merger [or articles of] consolidation or conversion as the case may be shall be executed under the seal of each association or Federal savings and loan associations and verified by two duly authorized officers of each association or Federal savings and loan association and shall set forth

(1) The name of the surviving [or] new or converted association or Federal savings and loan association

(2) The time and place of the meeting of the directors at which the plan of merger [or] consolidation or conversion was proposed and except where pursuant to the provisions of this act the plan of merger is not submitted to a vote of the shareholders of the surviving association the time and place of the meeting of the shareholders of each association or Federal savings and loan association at which the plan of merger [or] consolidation or conversion as the case may be was ratified the kind and period of notice given to the shareholders and the total vote by which the plan was adopted

(3) In the case of a merger into a surviving association any changes desired to be made in the articles of the surviving association or in the case of a consolidation into a new association or the conversion of a Federal savings and loan association into an association all of the statements required by this act to be set forth in the original articles in the case of the formation of an association

(4) The number names and addresses of the persons to be the first directors of the surviving [or] new or converted association or Federal savings and loan association

(5) The plan of merger [or] consolidation or conversion

Section 1004 Advertisement The association shall advertise its intention to file articles of merger [or articles of] consolidation or conversion as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of an association Advertisements shall appear at least three

days and in the case of a plan of merger which pursuant to the provisions of this act is not submitted to a vote of the shareholders of the surviving association at least twenty days prior to the day on which the articles of merger [or articles of] consolidation or conversion are to be presented to the Department of State and shall set forth briefly

(1) The name and the location of the principal place of business of each of the associations or Federal sevings and loan associations intending to merge [or] consolidate or convert

(2) The name and the location of the principal place of business of the surviving [or] new or converted association or Federal savings and loan association

(3) A statement that the articles of merger [or] consolidation or conversion are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving [or] new or converted association

(5) The time when the articles of merger [or] consolidation or conversion will be delivered to the Department of State

Section 1005 Filing of Articles of Merger [or] Consolidation or Conversion Payment of Fees Approval by Department of State A The articles of merger [or articles of] consolidation or conversion as the case may be and the proof of publication of the advertisement required by this act shall be delivered to the Department of State

B The Department of State shall examine such articles of merger [or articles of] consolidation or conversion and such proof of publication to determine whether they contain all the information and are in the form required by this act and also whether the name of the surviving [or] new or converted association as the case may be conforms with the requirements of law for the name of such an association or if the name is not the same as either or any of the merging or consolidating associations whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the fees taxes and other charges have been paid as required by law except for the costs of an examination made by the Department of Banking pursuant to the provisions of this act to determine whether to approve the merger [or] consolidation or conversion or any other charges made by the Department of Banking the Department of State if the articles of merger [or articles of] consolidation or conversion and the proof of publication contain the information and are in the form required by this act shall forthwith but not prior to the day specified in the advertisement of the intention to file the articles endorse its approval thereon and shall forthwith transmit them to the Department of Banking

C If the Department of State shall disapprove the articles of merger [or the articles of] consolidation or conversion pursuant to this act it shall forthwith give notice thereof to the association stating in detail its reasons for doing so and stating how such association can remedy the non-conformance with the provisions of this act Upon remedying the defect such association may in the same manner file the same or amended articles whichever the particular case may require

Section 1006 Approval of Articles of Merger [or] Consolidation or Conversion by Department of Banking A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger [or articles of] consolidation or conversion conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving [or] new or converted association or Federal savings and loan association is likely to mislead the public [as to its character or purpose]

(2) Whether the consolidation [or] merger or conversion is made for legitimate purposes

(3) Whether the interests of the shareholders or creditors are adequately protected

(4) Whether the surviving [or] new or converted association meets all the requirements of this act and violates none of its prohibitions

The cost of such examination and any other charges of the Department of Banking bearing upon the filing of the articles of merger [or articles of] consolidation or conversion shall be assessed upon the association in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

Each Federal Savings and loan association desiring to merge consolidate or convert shall pay to the Department of State at the time the articles of merger consolidation or conversion are filed such reasonable fees as shall be established by rule and regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to the provisions of this act to determine whether the articles should be approved Such fees shall be paid by the Department of State through the Department of Revenue into the Banking Department Fund

B Within thirty days after the receipt of the articles of merger [or articles of] consolidation or conversion from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger [or articles of] consolidation or conversion it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of merger [or the articles of] consolidation or conversion it shall return them to the Department of State stating in detail its reason for doing so The Department of State shall immediately give notice to the associations desiring to merge [or] consolidate or convert or to the Federal savings and loan association desiring to convert of the action of the Department of Banking and of the reasons therefor as stated to it by that Department Such [corporations] associations or Federal savings and loan association may within thirty days after the Department of State sends them notice of the disapproval of their articles of merger [or articles of] consolidation or conversion appeal from such disapproval to the Governor who shall hear such appeal promptly and shall within thirty days thereafter decide the matter and certify his decision to the Department of Banking The decision of the Governor shall be conclusive and not subject to review The Department of Banking shall act in accordance therewith

Section 1007 Issuance of Certificate of Merger [or Certificate of] Consolidation or Conversion Immediately upon receipt of the approved articles of merger [or articles of] consolidation [of an association] or conversion from the Department of Banking and upon receipt by the Department of State of the written approval of the Federal Home Loan Bank Board if such approval is required by this act Department of State shall file the articles and shall issue to the surviving new or converted association or Federal savings and loan association or its representative a certificate of merger [or a certificate of] consolidation or conversion A copy of the approved articles of merger [or articles of] consolidation or conversion shall be sent by the Department of State to the Department of Banking

Section 1008 Effect of Merger [or] Consolidation or Conversion Upon the merger or consolidation becoming effective the several associations or Federal savings and loan associations parties to the plan of merger or consolidation shall be a single association or Federal savings and loan association which in the case of a merger shall be that association or Federal savings and loan association designated in the plan of merger as the surviving association or Federal savings and loan association and in the case of a consolidation shall be the new association or Federal savings and loan association provided for in the plan of consolidation The separate existence of all associations parties to the plan of merger or consolidation shall cease except in the case of a merger that of the surviving association or Federal savings and loan association The surviving [or] new or converted association as the case may be shall not thereby acquire authority to engage in any business or exercise any right which cannot be acquired by or which is forbidden to any association which is incorporated under this act All the property real personal and mixed of each of the associations or Federal savings and

loan associations parties to the plan of merger [or] consolidation or conversion and all debts or obligations due to any of them including subscriptions to shares and other choses in action belonging to either or any of them shall be taken and deemed to be transferred to and vested in the surviving [or] new or converted association or Federal savings and loan association as the case may be without further act or deed The surviving [or] new or converted association or Federal savings and loan association shall thenceforth be responsible for all the liabilities and obligations of each of the associations or Federal savings and loan associations so merged [or] consolidated or converted but the liabilities of the merging [or] consolidating or converting associations or Federal savings and loan associations or of their shareholders directors or officers shall not be affected nor shall the rights of the creditors thereof or of any persons dealing with such association or Federal savings and loan associations or any liens upon the proprety of such [corporations] associations or Federal savings and loan associations be impaired by such merger [or] consolidation or conversion and any claim existing or action or proceeding pending by or against any of such associations or Federal savings and loan associations may be prosecuted to judgment as if such merger [or] consolidation or conversion had not taken place or the surviving [or] new or converted association or Federal savings and loan association may be proceeded against or substituted in its place In the case of a merger the articles of incorporation of the surviving association shall be deemed to be amended to the extent if any that changes in its articles are stated in the articles of merger and in the case of a consolidation or conversion into a converted association the statements set forth in the articles of consolidation or conversion and which are required or permitted to be set forth in the articles of incorporation of associations formed under this act shall be deemed to be the articles of incorporation of the new or converted association

Section 1009 Rights of Dissenting Shareholders A If any shareholder of an association or Federal savings and loan association which becomes a party to a plan of merger [or] consolidation or cenversion shall file with such association or Federal savings and loan association prior to or at the meeting of shareholders at which the plan of merger [or] consolidation or conversion is submitted to a vote or in the case of a shareholder of a surviving association which pursuant to the provisions of this act becomes a party to a plan of merger without action by its shareholders shall file prior to the day upon which the articles of merger are delivered to the Department of State a written objection to such plan of merger [or] consolidation or conversion and shall not vote in favor thereof and such shareholder within twenty days after the merger [or] consolidation or conversion was affected shall make written demand on the surviving [or] new or converted association or Federal savings and loan association for the payment of the fair value of his shares as of the day prior to the date on which the vote was taken approving the merger [or] consolidation or conversion without regard to any depreciation or appreciation thereof in consequence of the merger [or] consolidation or conversion the surviving [or] new or converted association shall pay to such shareholder the fair value of his shares upon surrender of the share certificate or other evidence of his shares The demand of the shareholder shall state the number and kind of the shares owned by him Any shareholder [failing] who fails to file such written objection or any shareholder who files such written objection and fails to make demand within the twenty-day period shall be conclusively presumed to have consented to the merger [or] consolidation or conversion and shall be bound by the terms thereof If within thirty days after the date on which such merger [or] consolidation or conversion was effected the value of such shares shall be agreed upon by the dissenting shareholder and the surviving [or] new or converted association or Federal savings and loan association payment thereof shall be made in cash within ninety days after the date on which such merger [or] consolidation or conversion was effected upon the surrender of the share certificate or other evidence of his shares Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares or in the association

B If within such period of thirty days the shareholder and the surviving [or] new or converted association or Federal savings and loan association do not so agree then the dissenting shareholder may within sixty days after the expiration of the thirty-day period apply by petition to the court of common pleas in equity within the county in which the place of business of the surviving [or] new or converted association or Federal savings and loan association is situated for the appointment by the court of three disinterested persons to appraise the fair market value of his shares without regard to any depreciation or appreciation thereof in consequence of the merger [or] consolidation or conversion The award of the appraisers or of a majority of them when confirmed by the court shall be final and conclusive The costs of such appraisal including a reasonable fee to the appraisers shall be fixed by the court and shall be assessed either upon the [new or] surviving new or converted association or Federal savings and loan association or upon the dissenting shareholders or upon both in the discretion of the court The award shall be payable only upon and simultaneously with the surrender to the surviving [or] new or converted association or Federal savings and loan association of the share certificate or certificates representing the shares of the dissenting shareholder If the award shall not be paid by the surviving [or] new or converted association or Federal savings and loan association within thirty days after the award was made by the appraisers the amount of the award shall be a judgment against the surviving [or] new or converted association or Federal savings and loan association as the case may be and may be collected as other judgments in such court are by law collectible Upon the payment of the award or judgment the dissenting shareholder shall cease to have any interest in such shares or in the surviving [or] new or converted association or Federal savings and loan association Unless the dissenting shareholder shall file a petition within the time herein limited such shareholder and all persons claiming under him shall be conclusively presumed to have approved and ratified the merger [or] consolidation or conversion and shall be bound by the terms thereof The right of the dissenting shareholder to be paid the fair value of his shares as herein provided shall cease if and when the association shall abandon the merger [or] consolidation or conversion

Section 1010 Effective Date of Merger [or] Consolidation or Conversion Upon the issuance of the certificate of merger [or the certificate of] consolidation or conversion by the Department of State the merger [or] consolidation or conversion shall be effective The certificate of merger [or the certificate of] consolidation or conversion shall be conclusive evidence of the performance of all conditions precedent to such consolidation [or] merger or conversion and the creation or existence of a new [or] surviving or converted association except as against the Commonwealth

Section 1112 Order of Preference in Distribution A The following shall be the order followed by the liquidating trustee or trustees as the case may be in the distribution pursuant to the provisions of this act of the assets of any association which is being liquidated in pursuance of a plan of voluntary dissolution

First Any reasonable expense incurred by the liquidating trustee or trustees as the case may be in the management liquidation or distribution of the assets and affairs of the association any fee or other debt owing to the department for examinations or other services rendered or penalties incurred any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Second Any claim of a creditor of the association other than the claim of a shareholder arising from his ownership of shares

Third Any claim of a shareholder whether or not reduced to a judgment arising from his ownership of shares whether such shares be installment fullpaid prepaid matured or any other type and whether or not notice of withdrawal of such shares has been given to the association The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured

share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

B Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

C All claims provided for in this section shall be construed to refer only to claims presented to the liquidating trustee or trustees in the manner provided in this act and approved by him or them in accordance with the plan of dissolution

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be laid aside for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2709, as follows:

An Act to amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by removing limitation on minimum term

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole offiecrs and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred seventy-five) is hereby further amended to read as follows

Section 6 Whenever any person convicted in any court of this Commonwealth of any crime punishable by imprisonment in a State penitentiary shall be sentenced to imprisonment therefor in any penitentiary or other institution of this State or in any county or municipal institution the court instead of pronouncing upon such convict a definite or fixed term of imprisonment shall pronounce upon such convict a sentence of imprisonment for an indefinite term Stating in such sentence the minimum and maximum limits thereof and the maximum limit shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense [and the minimum limit shall never exceed one-half of the maximum sentence prescribed by any court]

Provided That nothing herein contained shall be construed to derogate from the power of the judges of the courts of quarter sessions and of the courts of oyer and terminer or other court of record having jurisdiction of the several judicial districts of the Commonwealth after due inquiry to release on parole any convict confined in the county jail house of correction or workhouse of their respective districts as provided in section one of an act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-nine) entitled "An act extending the powers of judges of courts of quarter sessions and of oyer and terminer in relation to releasing prisoners in jails and workhouses on parole" its amendments and supplements And provided further That no person sentenced for an indeterminate term shall be entitled to any benefits under the act entitled "An act providing for the commutation of sentences for good behavior of convicts in prisons penitentiaries workhouses and county jails in this State and regulations governing the same" approved the eleventh day of May Anno Domini one thousand nine hundred and one

And provided further That before any parole shall be granted pursuant to the terms hereof notice of an intention so to do shall be given at least ten days prior thereto by the board of prison inspectors to the judge of the county who imposed the sentence if he be still in office but otherwise to the judge or judges of the court of oyer and terminer or the court of quarter sessions then in session or if there be no current term then to the next ensuing term thereof and having jurisdiction of cases of the like character Similar notice shall also be given to the district attorney then in office in said county

And said bill having been read at length the second time, and agreed to,

Ordered, To be laid aside for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2498, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An Act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such association defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 410 of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating ot the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 410 Officers of Associations Removal License Compensation A Every association shall have a president a vice-president a secretary and a treasurer and may have such additional officers as shall be provided for in the by-laws Any two or more officers may be held by the same person except that the same person shall not at the same time be holder of more than one of the following offices President vice-president secretary treasurer and solicitor in addition when an association has a

conveyancer the president vice-president secretary or treasurer of such association shall not at the same time be the conveyancer of the association

B The officers of an association shall be selected at least annually by the board of directors unless the by-laws provide a different method The president vice-president and secretary of an association shall be required to be members of the board of directors of the association and the secretary shall be required to be licensed by the department pursuant to the provisions of the Department of Banking Code

Any person who shall after the first day of January nineteen hundred and thirty-six act as secretary of a building and loan association without a license shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or undergo an imprisonment for a period of not more than one year or both in the discretion of the court

C Unless specifically provided otherwise in the by-laws the board of directors shall fix the compensation of all officers

D Any officer may be removed by the board of directors whenever in its judgment the best interests of the association will be served thereby but such removal shall be without prejudice to the contract rights if any of the person so removed

E Unless specifically provided otherwise in the by-laws the board of directors shall have the power to fill any vacancies created by the death removal resignation or otherwise of any officer

F The officers as between themselves and the association shall have such authority and perform such duties as shall be specified by the by-laws

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time, and agreed to,

Ordered, To be laid aside for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2043, as follows:

An Act to amend subsection (V) of section one of article two and section nine of article five of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by requiring telephone corporations and persons engaged in the telephone business to make connections and arrangements to permit telephone conversations between subscribers to the service of certain other such corporations and persons and to operate and conduct a joint through traffic over the lines so connected and giving the commission jurisdiction over such service and over the rules regulation srates charges costs and revenues pertaining thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (v) of section one of article two of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common

pleas and giving the court of common pleas of Dauphin County exclusive juridiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled : To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the privisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" is hereby amended to read as follows

(v) If a telephone corporation or person engaged in the telephone business whose lines together with the lines of another telephone corporation or person engaged in the telephone business would if connected form a continuous line of communication between different [localities which are not reached by lines facilities or connections of either alone and could be made to do so by the construction and maintenance of suitable connections between the several lines at common points for the transmission of conversation between different localities] subscribers to the service of either whether such subscribers are located in the same or in different communities to jointly [arrange for the interchange and transfer of conversations at such common points] make such connections and arrangements as will permit telephone conversation between such subscribers when it can reasonably be done and efficient service can be obtained [without injustice to either company and without substantial impairment or detriment to the service to be rendered by either company and when necessity exists therefor in order to supply through traffic communication between different localities not otherwise provided for by the companies in question or either of them] and whenever the commission shall deem it necessary or proper for the accommmodation or convenience of the public and [shall] to operate and conduct a joint through traffic over the several lines so connected and [shall] to make the proper rules and regulations governing the same and [shall] to establish just and reasonable rates and charges [for the joint through service thereby rendered] governing the same and [shall] to make among themselves an equitable apportionment of the costs and revenues appertaining to [the joint facilties and] such joint service

Section 2 Section nine of article five of said act is hereby amended to read as follows

Section 9 Whenever the commission shall find that there are any two or more telephone companies or persons engaged in the elephone business whose lines if connected would form a continuous line of communication [or could be made to do so by the construction and maintenance of suitable connections between the several lines at common points] for the transmission of conversations between different [localities which are not reached by the lines of either company alone] subscribers to the service of either whether such subscribers are located in the same or in different communities and that [such] connections and facilities for the through transmission of conversations jointly over the several lines can reasonably be made and [an] efficient service can be obtained [without injustice to either company and without substantial impairment or detriment to the service to be rendered by either company] and that [a public necessity exists therefor] it is necessary or proper for the accommodation or convenience of the public or shall find that any two or more telephone companies have failed to establish just and reasonable joint rates or charges for through service by or over their several lines so connected and that such joint rates or charges ought to be established in order to supply a through traffic and communication between such different [localities not otherwise provided for or proffered by the companies in question or either of them] subscribers the commission may by its order require that such connection be made and facilities supplied and that through conversations be transmitted thereby and may prescribe the through line and joint rates and charges to be made and to be used and in force in the future and shall appoint or approve necessary and proper conditions rules and regulations for the joint through traffic and an equitable apportionment between the several companies of the costs and revenues in connection therewith and the commission may fix the same by its order to be duly served upon the company or companies affected

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ANDREWS. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of a hearing and possible amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1083, as follows:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam or mercury boilers steam engines turbines designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "operator" shall mean a person who operates or has charge of the equipment specified in Section 1 of this Act

As used in this Act "boiler" shall mean a steam or mercury boiler in which pressure is generated to drive equipment and including all piping and apparatus connected thereto up to and including the stop valve or valves nearest the boiler

"Equipment" shall mean stationary steam or mercury boilers steam engines turbines and appurtenances thereto

"Department" shall mean the Department of Public instruction of the Commonwealth of Pennsylvania

"Establishment" shall mean a commercial or industrial building or place within the Commonwealth

"Place of public assembly" shall mean any building or portion thereof designed intended or used for purposes of entertainment instruction or amusement

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Whenever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section II It shall be unlawful for any person to

have charge of or to operate equipment in any establishment or place of public assembly in this Commonwealth unless said person holds a license as is hereinafter provided for it shall be unlawful for any owner or user of any equipment to operate or cause or permit to be operated any equipment except by a duly licensed operator it shall be unlawful for any licensed operator to delegate such operation to any person not so licensed

Section III Every person wishing to operate any of the equipment mentioned in this act shall make written application for a license to the Department on the form prescribed by the Department Every such person shall be at least twenty-one years of age and shall have been employed in operating or in assisting in the operation or maintenance of equipment during the ten years immediately preceding the date of his application for a total term of not less than two years The application shall contain a detailed statement of such employment Every such application shall be accompanied by the affidavit of the applicant of one operator and of one employer as to the truth of the statements contained in the application Each application shall be accompanied by a fee of $5.00

Section IV The Department shall make inquiry into the character habits of life and experience of the applicant The Department shall after reasonable notice to the applicant submit the applicant to a written examination in the construction and operation of steam or mercury boilers steam engines turbines and pumps or in such of these subjects as relate to the operation of the equipment for which a license is requested The examination shall be uniform throughout the Commonwealth and shall be conducted under the rules and regulations adopted by the Department

Section V If upon such examination the applicant is found proficient in such subjects a license shall be granted to him to have charge of and to operate only such equipment as from the application and examination the Department shall determine the applicant to be capable of operating for one year from the date on which it is issued Such equipment shall be specified on the license The Department shall upon application by a licensed operator before ten days after the expiration of such license issue a renewal thereof annually upon the payment of a renewal fee of two dollars ($2.00) Otherwise the license shall become null and void

Section VI Any person who shall have operated equipment during the ten years immediately preceding the passage of this act for a total term of not less than two years or who holds at the date of passage of this act a license to operate equipment issued under the authority of any municipal subdivision of this Commonwealth shall upon application to the Department on the form indicated in Section III and the payment of a fee of two dollars ($2.00) within six months after the passage of this act be entitled without examination to a license to operate such equipment only as is indicated by his application he shall have previously operated or is presently operating and shall be entitled to the same privilege of annual renewal as hereinbefore granted to other licensed operators

Section VII Upon written charges made to the Department by any person after notice and hearing the Department may revoke the license of a person guilty of fraud in obtaining or using such license or who becomes insane or is addicted to the liquor or drug habit to such a degree as to render him unfit to operate equipment

Section VIII Any licensed operator of equipment who shall leave or be suspended or discharged from any place of employment shall within ten days notify the Department of such fact The owner or user of such equipment shall in like manner notify the Department of such fact

Section IX Each operator shall exhibit his license under glass in a conspicuous place in his engine room or boiler room Each operator shall sign his own license

Section X To carry out the provisions of this act the Department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the examination and registration of operators of equipment

Section XI All fees provided for in this act shall be paid to the Department of Public Instruction who shall transmit the same to the State Treasurer through the Department of Revenue

Section XII Nothing in this Act shall be construed to prohibit the licensure or regulation of operators of power equipment by any subdivision of this Commonwealth in addition to the requirements of this Act

Section XIII It shall be the duty of the Department of Public Instruction to enforce the provisions of this act

Section XIV Prosecutions for violations of the provisions may be instituted by the Department and shall be in of this act or the rules and regulations of the Department the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties herein provided for shall be imposed and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law

Section XV Any person who shall violate any of the provisions of this act or the rules and regulations of the Department as herein provided for shall be guilty of a misdemeanor and shall be penalized by a fine of not more than one hundred dollars and costs and upon nonpayment thereof imprisonment in the county jail for not more than ten days

Section XVI All fines collected under this act shall be forwarded to the Department of Public Instruction who shall transmit the same to the State Treasury through the Department of Revenue

Section XVII This act may be cited as the Power Equipment Operator's License Act of 1935

Section XVIII The provisions of this act are severable and in the event that any provisions thereof should be declared unconstitutional it is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect

Section XIX The act approved the eighteenth day of April one thousand eight hundred ninety-nine (Pamphlet Laws forty-nine) entitled "An Act to provide for the beter protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the first class in this Commonwealth and providing penalties for violations" and its amendments the act approved the fourth day of April one thousand nine hundred and five (Pamphlet Laws one hundred two) entitled "An Act to provide for the better protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the second and third class of this Commonwealth and providing penalties for violation" and its amendments and all other acts or parts of act inconsistent with the provisions of this act are hereby repealed

Section XX This Act shall be effective and operative sixty days after its signing by the Governor

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. LONG. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2777 (Senate Bill No. 22), entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and pri-

maries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 Definitions (a) The word "commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commissioner

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(m) "City" shall mean only a city of the third class

(n) All references to mayors, police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district within such city

(o) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 Registration Commissions Membership Actions by Vote of Majority of Members Record of Proceedings (a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of the commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

Section 4 Powers of Commissions Regulations Enforcement Correction of errors or Irregularities Cancellation of Registration Powers of Commissioners (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) To govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses on a matter pending before the commission (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Appointment of Chief Clerk as Registrars Incompatible Offices (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county to act as such for the commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk who shall have authority to administer oaths to sign vouchers and to register qualified electors who apply at the office of the commission for registration

(f) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall

have power to enter and inspect any inn lodging house or hotel within such city and to interrogate any lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration

Section 6 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration counsel and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the passage of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 7 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 8 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 9 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists lists of voters voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 10 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 11 Watchers or Attorneys at Sessions of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or body of electors

Section 12 Candidates may be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 13 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice (a) From and after the first day of July one thousand nine hundred and thirty-five each commission or any commissioner or the chief clerk of the commission or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the sixty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the third day of September anything in this section to the contrary notwithstanding And providing further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have two registrars present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to September fourth of the two registrars who shall sit in each election district prior to September fourth in the year one thousand nine hundred and thirty-five one shall be a member of the party polling the highest vote within the election district at the preceding November election and the other shall be a member of the party polling the second highest vote within the election district at such election Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-five and shall hold office only during such year No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided

unless the county chairman of the proper party fails to make such suggestion on or before July fifteenth one thousand nine hundred and thirty-five in which case the commission may appoint any qualified person

(b) The county commissioners shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of public education or school directors of each city or school district thereof shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration Provided That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 14 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 15 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) the designation of the political party of the elector for the purpose of voting at primaries (14) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (15) his height in feet and inches (16) the color of his hair (17) the color of his eyes and (18) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (19) the ward and election district in which the elector resides (20) the date of each election and primary at which the elector votes and (21) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

Section 16 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided From and after the first day of August one thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 17 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his

an[illegible]s have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Commission and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 18 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which naturalization was affected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and times when his father was naturalized and that at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-one may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court where such naturalization took place or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Incomplete or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 20 Appeal of Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 21 General Register—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 22 District Registers—The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to the public inspection at all times subject to reasonable safeguards rules and regulations

Section 23 Removal Notices—The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 24 Transfer of Registration—(a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration or again register by personal application as provided by this act

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 25 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) At any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signatures of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 26 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Notice (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commissioner in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 27 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each four years the commission shall send such notices by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section twenty-eight of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 28 Canvass of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of the city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts but of the two special inspectors canvassing any election district one shall be a member of the party polling the highest vote within such district at the last preceding November election and the other shall be a member of the party polling the second highest vote within the district at such election Each such person shall be suggested in writing by the county chairman of his party unless such county chairman fails to make such suggestion within thirty days after written notice is given by the commission in which case the commission may appoint any qualified person

(e) The commission shall instruct each special inspector in his duties

Section 29 Corrected Street Lists Not later than the fifteenth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 30 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting

forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission may forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 31 Delivery of District Registers to Election officers (a) Not later than noon of the second day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed that the name address voting record and other data on each card may easily be made visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 32 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered Are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates List of Voters Elections and Primaries Counting Et Cetera of Names Checked as having Voted Sealing of Registers and Lists of Voters Return of Lists of Voters and Registers (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity by affidavit and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall make affidavit of his identity or continued residence in the election district or that he has not violated any such election laws

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

.....Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines)

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voters certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the electors signature is not readily legible shall print such electors name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voters certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election The voters certificates so bound shall constitute the ballot check list required by law to be kept by the clerks of election All voters certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters

(g) As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the dis-

trict register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the list of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The list of voters and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 33 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(b) The commission shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voters certificates and registers hereby prescribed

Section 34 Cancellation of Registration Upon Failure to Vote Within Two Years Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days after publication of the information contained in the notice mailed as aforesaid at least one time in at least one newspaper of general circulation published in the city where such elector resides The commission shall cancel the registration of such elector unless within ten days after the publication of the information contained in the notice as aforesaid he appears in person before the commission and offers satisfactory proof that he has actually voted at a primary or general election within two years The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 35 Cancellation Removal and Preservation of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 36 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 37 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 38 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness

fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 39 Crimes and Penalties (a) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(b) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(c) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than three (3) years

(d) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(f) Any commissioner registrar inspector or registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to under an imprisonment of not more than one year

(g) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subponea certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially atlers or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(h) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(i) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 40 Partial Invalidity Legislative Intent It is the intention of the General Assembly that if this act cannot take effect in its entidety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 41 Repeals The act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violations of its provisions" and the various supplements and amendments thereto are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class

Section 42 Effective Date This act shall become effective July first one thousand nine hundred and thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eberharter,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Flynn,	Mentzer,	Sloan,
Baine,	Forrest,	Merrell,	Smith, J. A.,
Baker, F. T.,	Furman,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gates,	Mooney,	Snyder, F. E.,
Baldi,	Gerard,	Moore,	Snyder, J. L.,
Barber,	Gillette,	Moran,	Sowers,
Barnhardt,	Green,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brancato,	Harkins,	Ominsky,	Surface,
Brennan,	Harmuth,	O'Neill,	Tahl,
Brown, H. S.,	Hart,	Panton,	Terry,
Brown, J. E.,	Hartman,	Parks,	Tronzo,
Brownfield,	Hefferon,	Patterson, C.,	Trout,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tumelty,
Burke,	Hetrick,	Pearson,	Turner,
Cannon,	Hindman,	Perry,	VanAllsburg,
Caputo,	Hirsch,	Peters,	VanSickle,
Carson,	Holstrom,	Pfaff,	Walker,
Castor,	Hoopes,	Phillips,	Wall,
Chervenak,	Horst,	Piole,	Wasserman,
Coakley,	Jackson,	Powers,	Weidemann,
Cochran,	Jones,	Reising,	Weiss,
Cohen,	Kane,	Reynolds,	Welliver,
Coleman,	Kelder,	Rhys,	Welsh,
Condon,	Kelso,	Rinn,	Westrick,
Conner,	Kilroy,	Roan,	White,
Coolahan,	Kinney,	Root,	Wickersham,
Cordier,	Klinger,	Ruffennach,	Winner,
Davies,	Kobelak,	Ruth,	Witkin,
Decker,	LaRue,	Sarraf,	Wood

Denning,	Linderman,	Scanlon,	Woodside,
Dent,	Long,	Schrock,	Yeakel,
Diehl,	Lovett,	Schrope,	Yourishin,
Dilley,	Lynch,	Schwab,	Zappala,
Downey, G. E.,	Male,	Schwartz,	Zimmerman,
Downey, J. J.,	Mallen,	Shaw,	Sarig,
Duffort,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2062, as follows:

An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance including snow removal construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of nine million dollars which shall include the sum of two million three hundred sixty-five thousand dollars transferred to the General Fund for relief purposes if when and as the said sum of two million three hundred sixty-five thousand dollars is repaid to the Motor License Fund during the period covered by this Act is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-six out of the Motor License Fund for allocation to and expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this Act

Section 2 The Department of Highways shall expend in each of the townships of the second class for the maintenance including snow removal construction reconstruction and repair of roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided as the miles of streets or roads under its jurisdiction within its legal limits and not maintained by the Department of Highways under the provisions of any other law bears to the total number of miles of such streets or roads within the legal limits of all townships of the second class

Section 3 Nothing in this Act shall be construed to relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-six for the construction or repair of any highway or structure now under their jurisdiction

Section 4 The proper officials of each township of the second class if they have not previously done so shall at the time of fixing the tax levy for the years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven reduce the said tax levy for road and street purposes by an amount approximately equivalent to the amount to be expended in such township under the provisions of this Act as compared with the amount levied for road and street purposes for the year one thousand nine hundred thirty-three except that proper provision shall be made by the townships for interest sinking fund debt repayment charges and such other administrative and overhead expenses as may be necessary

Section 5 The several second-class townships in which the money hereby allocated is expended by the Department of Highways are hereby authorized and directed to turn over to the Department of Highways for use in the maintenance of any road or street within the legal limits of such township any road building machinery or equipment now owned by such municipality without charge for such use by the Department Any repairs to said equipment which become necessary while in the possession and use of the Department of Highways for the purposes of this Act shall be made only with the consent and approval of the township authorities and shall be paid for out of the funds hereby allocated to such township whether the said repairs are made necessary by ordinary wear and tear or by negligence in the operation The Department of Highways shall in so far as may be practicable employ the duly elected road supervisors of each township in a supervisory capacity in the work to be done on the roads of such township under the provisions of this Act

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eberharter,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moonlaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nonnnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hart,	O'Neill,	Tahl,
Brown, J. E.,	Hartman,	Panton,	Terry,
Brownfield,	Hefferon,	Parks,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, C.,	Trout,
Burke,	Hetrick,	Patterson, J. W.,	Tumelty,
Cannon,	Hindman,	Pearson,	Turner,
Caputo,	Hirsch,	Perry,	VanAllsburg,
Carson,	Holstrom,	Peters,	VanSickle,
Castor,	Hoopes,	Pfaff,	Walker,
Chervenak,	Horst,	Phillips,	Wall,
Coakley,	Jackson,	Piole,	Wasserman,
Cochran,	Jones,	Powers,	Weidemann,
Cohen,	Kane,	Reising,	Weiss,
Coleman,	Kelder,	Reynolds,	Welliver,
Condon,	Kelso,	Rhys,	Welsh,
Conner,	Kilroy,	Rinn,	Westrick,
Coolahan,	Kinney,	Roan,	White,
Cordier,	Klinger,	Root,	Wickersham,
Davies,	Kobolak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Lovett,	Schrock,	Yeakel,
Dilley,	Lynch,	Schrope,	Yourishin,
Downey, G. E.,	Male,	Schwab,	Zappala,
Downey, J. J.,	Mallen,	Schwartz,	Zimmerman,
Duffort,		Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2415, entitled:

An Act providing for the creation and incorporation of improvement authorities at the option of the voters in cities boroughs towns and townships prescribing the powers and duties of such authorities and authorizing such authorities to engage in the enterprise of furnishing water sewers and sewage treatment works gas or electric heat light or power services to the inhabitants of such cities boroughs towns and townships and to issue bonds and providing for the payment of such bonds and imposing duties upon certain State county city borough town and township officers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eberharter,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hart,	O'Neill,	Tahl,
Brown, J. E.,	Hartman,	Panton,	Terry,
Brownfield,	Hefferon,	Parks,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, C.,	Trout,
Burke,	Hetrick,	Patterson, J. W.,	Tumelty,
Cannon,	Hindman,	Pearson,	Turner,
Caputo,	Hirsch,	Perry,	VanAllsburg,
Carson,	Holstrom,	Peters,	VanSickle,
Castor,	Hoopes,	Pfaff,	Walker,
Chervenak,	Horst,	Phillips,	Wall,
Coakley,	Jackson,	Piole,	Wasserman,
Cochran,	Jones,	Powers,	Weidemann,
Cohen,	Kane,	Reising,	Weiss,
Coleman,	Kelder,	Reynolds,	Welliver,
Condon,	Kelso,	Rhys,	Welsh,
Conner,	Kilroy,	Rinn,	Westrick,
Coolahan,	Kinney,	Roan,	White,
Cordier,	Klinger,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Lovett,	Schrock,	Yeakel,
Dilley,	Lynch,	Schrope,	Yourishin,
Downey, G. E.,	Male,	Schwab,	Zappala,
Downey, J. J.,	Mallen,	Schwartz,	Zimmerman,
Duffort,		Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class

On the question,

Will the House agree to the bill on third reading?

MOTION TO POSTPONE BILL

Mr. KANE. Mr. Speaker, I move that this bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. LYNCH. Mr. Speaker, I rise to oppose this motion. This bill has been on the calendar long enough, and I think we ought to dispose of it this morning.

Mr. KANE. Mr. Speaker, I would like to call the attention of the House to the fact that this bill proposes to set the salaries of District Attorneys in the counties of the seventh class. There are a great many of us who feel that the idea is good but that the graduations of salary perhaps are unsatisfactory.

I would like to have the House vote to place this bill on the postponed calendar until the matter can be settled.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Duffort,	Mason,	Shaw,
Alexander,	Eberharter,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shreiner,
Andrews,	Finnerty,	McElroy,	Shugarts,
Arnold,	Fitch,	McHenry,	Siegel,
Atkins,	Flanagan,	McKinney,	Simon,
Aukerman,	Flinchbaugh,	Melchiorre,	Simpson,
Baine,	Flynn,	Mentzer,	Sinwell,
Baker, F. T.,	Forrest,	Merrell,	Sloan,
Baker, J. J.,	Furman,	Moomaw,	Smith, J. A.,
Baldi,	Gates,	Mooney,	Smith, W. G.,
Barber,	Gerard,	Moore,	Snyder, F. E.,
Barnhardt,	Gillette,	Moran,	Snyder, J. L.,
Bernhard,	Green,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brennan,	Harkins,	Ominsky,	Surface,
Brown, H. S.,	Harmuth,	O'Neill,	Tahl,
Brown, J. E.,	Hart,	Panton,	Terry,
Brownfield,	Hartman,	Parks,	Tronzo,
Brumbaugh,	Hefferon,	Patterson, C.,	Trout,
Burke,	Hermansen,	Patterson, J. W.,	Tumelty,
Cannon,	Hetrick,	Pearson,	Turner,
Caputo,	Hindman,	Perry,	VanAllsburg,
Carson,	Hirsch,	Peters,	VanSickle,
Castor,	Holstrom,	Pfaff,	Walker,
Chervenak,	Hoopes,	Phillips,	Wasserman,
Coakley,	Horst,	Piole,	Weidemann,

Cochran,	Jackson,	Powers,	Weiss,
Cohen,	Jones,	Reising,	Welliver,
Coleman,	Kelder,	Reynolds,	Welsh,
Condon,	Kelso,	Rhys,	Westrick,
Conner,	Kilroy,	Rinn,	White,
Coolahan,	Kinney,	Roan,	Wickersham,
Cordier,	Klinger,	Root,	Winner,
Davies,	Kobelak,	Ruffennach,	Witkin,
Decker,	LaRue,	Ruth,	Wood,
Denning,	Linderman,	Sarraf,	Woodside,
Dent,	Long,	Scanlon,	Yeakel,
Diehl,	Lovett,	Schrock,	Yourishin,
Dilley,	Lynch,	Schrope,	Zappala,
Downey, G. E.,	Male,	Schwab,	Zimmerman,
Downey, J. J.,	Mallen,	Schwartz,	Sarig,

NAYS—3

Kane,	Sproul,	Wall,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 977, as follows:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the expenditure of such appropriation for the construction of second-class township streets roads and bridges requiring the reduction of tax levies by such townships and validating tax levies of townships made after the last day now fixed by law for such levy and requiring some townships which have made their tax levies to make new levies and permitting additional special tax levies under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" is hereby amended to read as follows

Section 3 Of the amount appropriated to the Department of Highways for use upon the streets and roads in cities of the third class boroughs incorporated towns and townships of the first class there shall be expended or allocated by the Department of Highways in or to each of such political subdivisions at the option of the proper authorities of each subdivision expressed in writing to the Department of Highways for the repair and maintenance of streets and roads therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided for use in the political subdivisions of which it is a class as the miles of streets or roads under its jurisdiction within its municipal limits and not maintained by the Department of Highways under the provisions of any other law bears to the total number of miles of such streets or roads within the municipal limits of all the political subdivisions of which it is a class as above provided

Of the amount appropriated to the Department of Highways for use upon streets and roads in townships of the second class there shall be expended by the Department of Highways in each of such townships of the second class for the construction repair and maintenance of streets roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided for use in townships of of the second class as the miles of streets or roads under its jurisdiction within its municipal limits and not maintained by the Department of Highways under the provisions of any other law bears to the total number of miles of such streets or roads within the municipal limits of all townships of the second class each township of the second class shall at the time of fixing the tax levy for the year one thousand nine hundred thirty-five reduce the said tax levy for road and street purposes by an amount approximately equivalent to the amount to be expended in such township under the provisions of this Act as compared with the amount levied for road and street purposes for the year one thousand nine hundred and thirty-three except that proper provision shall be made by the townships for interest sinking fund and debt repayment charges and such other administrative and overhead expenses as may be necessary provided further that if any board of supervisors of any township of the second class has during the year one thousand nine hundred and thirty-five delayed making its tax levy beyond the last day allowed by law for the levy of its road tax awaiting action by the legislature in order to ascertain what aid if any such township was entitled to receive then such township supervisors shall have power to levy such tax anytime until June fifteenth one thousand nine hundred and thirty-five and any such action by a board of township supervisors in levying its tax on or before June fifteenth one thousand nine hundred and thirty-five is hereby ratified confirmed and made valid

Any township which made its levy prior to the effective date of this act and which has not made a reduction in its tax levy as required by this Act shall revoke this levy and make a new levy at a lesser rate to comply with this act and such new levy shall be made on or before June fifteenth one thousand nine hundred and thirty-five Any township which desires to make application to the Federal authorities for grants of funds to be expended for construction or reconstruction in and by such township which would require the expenditure of township funds for the purchase of materials or the rental of equipment or engineering or administration expenses may with the approval of the Court of Quarter Sessions make an additional special levy not exceeding five (5) mills to be used for such purposes only Provided that in case any township desires to make application for Federal funds as aforesaid any surplus of the funds appropriated by the act to which this is an amendment over the amount required for maintenance may with the approval of the Secretary of Highways be used for such purpose in the same manner as other State funds are now or may hereafter be used for such purpose in connection with State highways

Section 2. Any balance of the funds appropriated by this Act and not expended on January first, one thousand nine hundred thirty-six, shall be added to the appropriation made by any other Act appropriating funds for the

same purpose for the years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven, which may be enacted at this session of the General Assembly and shall thereafter be expended under the provisions of such act in addition to the funds thereby appropriated.

Section 3 This Act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eberharter,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Flynn,	Mentzer,	Sloan,
Baker, F. T.,	Forrest,	Merrell,	Smith, J. A.,
Baker, F. T.,	Furman,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gates,	Mooney,	Snyder, F. E.,
Baldi,	Gerard,	Moore,	Snyder, J. L.,
Barber,	Gillette,	Moran,	Sowers,
Barnhardt,	Green,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brancato,	Harkins,	Ominsky,	Surface,
Brennan,	Harmuth,	O'Neill,	Tahl,
Brown, H. S.,	Hart,	Panton,	Terry,
Brennan,	Hartman,	Parks,	Tronzo,
Brownfield,	Hefferon,	Patterson, C.,	Trout,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tumelty,
Burke,	Hetrick,	Pearson,	Turner,
Cannon,	Hindman,	Perry,	VanAllsburg,
Caputo,	Hirsch,	Peters,	VanSickle,
Carson,	Holstrom,	Pfaff,	Walker,
Castor,	Hoopes,	Phillips,	Wall,
Chervenak,	Horst,	Piole,	Wasserman,
Coakley,	Jackson,	Powers,	Weidemann,
Cochran,	Jones,	Reising,	Weiss,
Cohen,	Kane	Reynolds,	Welliver,
Coleman,	Kelder,	Rhys,	Welsh,
Condon,	Kelso,	Rinn,	Westrick,
Conner,	Kilroy,	Roan,	White,
Coolahan,	Kinney,	Root,	Wickersham,
Cordier,	Klinger,	Ruffennach,	Winner,
Davies,	Kobelak,	Ruth,	Witkin,
Decker,	LaRue,	Sarraf,	Wood,
Denning,	Linderman,	Scanlon,	Woodside,
Dent,	Long,	Schrock,	Yeakel,
Diehl,	Lovett,	Schrope,	Yourishin,
Dilley,	Lynch,	Schwab,	Zappala,
Downey, G. E.,	Male,	Schwartz,	Zimmerman,
Downey, J. J.,	Mallen,	Shaw,	Sarig,
Duffort,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2315, entitled:

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine four hundred twenlve and sections five hundred twelve and seven hundred four as amended of th eact approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals, and amending, revising, consolidating and changing the law relating thereto," prohibiting the breeding, selling, possessing and using of fitches or weasels for hunting purposes, providing for the licensure of persons breeding, selling, possessing and using fitches or weasels, and imposing additional penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays pere taken and were as follows, viz:

YEAS—195

Achterman,	Eberharter,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Flynn,	Mentzer,	Sloan,
Baine,	Forrest,	Merrell,	Smith, J. A.,
Baker, F. T.,	Furman,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gates,	Mooney,	Snyder, F. E.,
Baldi,	Gerard,	Moore,	Snyder, J. L.,
Barber,	Gillette,	Moran,	Sowers,
Barnhardt,	Green,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brancato,	Harkins,	Ominsky,	Surface,
Brennan,	Harmuth,	O'Neill,	Tahl,
Brown, H. S.,	Hart,	Panton,	Terry,
Brown, J. E.,	Hartman,	Parks,	Tronzo,
Brownfield,	Hefferon,	Patterson, C.,	Trout,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tumelty,
Burke,	Hetrick,	Pearson,	Turner,
Cannon,	Hindman,	Perry,	VanAllsburg,
Caputo,	Hirsch,	Peters,	VanSickle,
Carson,	Holstrom,	Pfaff,	Walker,
Castor,	Hoopes,	Phillips,	Wall,
Chervenak,	Horst,	Piole,	Wasserman,
Coakley,	Jackson,	Powers,	Weidemann,
Cochran,	Jones,	Reising,	Weiss,
Cohen,	Kane	Reynolds,	Welliver,
Coleman,	Kelder,	Rhys,	Welsh,
Condon,	Kelso,	Rinn,	Westrick,
Conner,	Kilroy,	Roan,	White,
Coleman,	Kinney,	Root,	Wickersham,
Cordier,	Klinger,	Ruffennach,	Winner,
Davies,	Kobelak,	Ruth,	Witkin,
Decker,	LaRue,	Sarraf,	Wood,
Denning,	Linderman,	Scanlon,	Woodside,
Dent,	Long,	Schrock,	Yeakel,
Diehl,	Lovett,	Schrope,	Yourishin,
Dilley,	Lynch,	Schwab,	Zappala,
Downey, G. E.,	Male,	Schwartz,	Zimmerman,
Downey, J. J.,	Mallen,	Shaw,	Sarig,
Duffort,	Mason,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1900, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. TAHL. Mr. Speaker, I would like to have the sponsor of this bill explain its provisions.

Mr. BURKE. Mr. Speaker and members of the House, under the present law of condemnation if a property is taken in which there is a tenant, both the owner of the property and the tenant have a right to damages for the taking of the property. As the law now stands, the owner of the property may appear before a board of view and show all the damage that he will suffer by the taking and the owner of the lease, the tenant, may also appear before a board of view and establish his damage.

In case that there is an appeal by the owner of the property and also an appeal by the tenant, the two appeals are heard or tried before separate juries, and you have the owner of the property bringing in his experts, to show the value of the property, and later on before a separate jury the tenant comes in and shows the value of his lease. Under these circumstances the two juries do not have the composite picture, and I know of one instance in the city of Philadelphia in which it cost the city $160,000 more than the total value of the property, because the claims were proven before different juries.

Under this bill the appeal of the owner of the property and the claim of the tenant are heard before one jury. That jury fixes the total amount of damage and they provide the damage beween the owner of the property and the tenant in accordance with the value or with the damage that each of those persons suffer.

Mr. TAHL. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Burke.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. BURKE. I will, Mr. Speaker.

Mr. TAHL. Mr. Speaker, if this bill were enacted into law would not the tenant get less damages than he does at the present time.

Mr. BURKE. Mr. Speaker, I would answer that question in the affirmative, most emphatically. I just recited an incident in which the tenant received $160,000 for a property which, according to the opinion of real estate experts was worth only $200,000 and the owner of the fee received $200,000. Now, I think that one jury sitting on an appeal of that kind, having the two claims before them, will not be given to any gesture of charity, because they are playing with the city's money. I don't think the tenant is entitled to more than the value of the lease, and I think that can be best determined by one jury hearing the claim of the owner of the property and the claim of the tenant.

Mr. TAHL. Mr. Speaker, isn't it a fact that very often one has a lease for many years of time and he makes vast improvements, and that the purpose of this bill is to reduce the damages to the tenant.

Mr. BURKE. Mr. Speaker, that is not my purpose. My purpose is to give the tenant all that he is entitled to but to give him no more.

On the queston recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Eberharter,	Mallen,	Shaw,
Alexander,	Falkenstein,	Mason,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Shugarts,
Arnold,	Flanagan,	McElroy,	Siegel,
Atkins,	Flinchbaugh,	McHenry,	Simon,
Aukerman,	Flynn,	McKinney,	Simpson,
Baine,	Forrest,	Melchiorre,	Sinwell,
Baker, F. T.,	Furman,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Barber,	Gerard,	Moomaw,	Smith, W. G.,
Barnhardt,	Gillette,	Mooney,	Snyder, F. E.,
Bernhard,	Green,	Moore,	Snyder, J. L.,
Boose,	Habbyshaw,	Moran,	Sowers,
Boyd, R.,	Haberlen,	Moul,	Spangler,
Boyer,	Hagerty,	Munley,	Sproul,
Bradley,	Haluska,	Murrin,	Stank,
Brancato,	Hamilton, F. P.,	Nagel,	Stevens,
Brennan,	Hamilton, R. S.,	Nothnagle,	Stewart,
Brown, H. S.,	Harkins,	O'Keefe,	Stockham,
Brown, J. E.,	Harmuth,	Ominsky,	Sumney,
Brownfield,	Hart,	O'Neill,	Surface,
Brumbaugh,	Hartman,	Panton,	Terry,
Burke,	Hefferon,	Parks,	Tronzo,
Cannon,	Hermansen,	Patterson, C.,	Trout,
Caputo,	Hetrick,	Patterson, J. W.,	Tumelty,
Carson,	Hindman,	Pearson,	Van Allsburg,
Castor,	Hirsch,	Perry,	Van Sickle,
Chervenak,	Holstrom,	Peters,	Walker,
Coakley,	Hoopes,	Pfaff,	Wall,
Cochran,	Horst,	Phillips,	Wasserman,
Cohen,	Jackson,	Piole,	Weidemann,
Coleman,	Jones,	Powers,	Weiss,
Condon,	Kane,	Reising,	Welliver,
Conner,	Kelder,	Reynolds,	Welsh,
Coolahan,	Kelso,	Rhys,	Westrick,
Cordier,	Kilroy,	Rinn,	White,
Davies,	Kinney,	Roan,	Wickersham
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Woodside,
Diehl,	Linderman,	Scanlon,	Yeakel,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,

NAYS—7

Baldi,	Muir,	Tahl,	Wood,
Blumberg,	Root,	Turner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. FERKO. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. FERKO. Mr. Speaker, on Wednesday May 1, I voted "yea" for House Bill No. 2035 and in the Journal I am recorded as voting, "No." I would like to have that corrected.

The SPEAKER. The remarks of the gentleman under this question of personal privilege will be spread upon the Journal.

BILL ON THIRD READING

Mr. ANDREWS. Mr. Speaker, I desire to call up at this time House Bill No. 932, Printer's No. 383, on page 34, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. ANDREWS.

The House resumed the consideration on third reading of House Bill No. 932 entitled:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

And said bill having been read the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the constitution the yeas and nays were taken.

Mr. ANDREWS. Mr. Speaker, I believe that there should be another roll call, and, in that event, I want to argue the question as to the merits of this bill.

The SPEAKER. The Clerks have informed the Chair that less than a quorum of the members have voted. The Chair will read rule 10, of the House.

"When less than a quorum vote on any subject under the consideration of the House, it shall be the duty of the Speaker forthwith to order the doors of the House to be closed, and that the roll of members be called, by the Clerk, and if it is ascertained that a quorum is present either by answering to their names or by their presence in the House—the yeas and nays shall again be ordered by the Speaker, and if any member present refuses to vote, such refusal shall be deemed a contempt, and unless purged, the Speaker shall order the Sergeant-at-arms to remove said member or members without the bar of the House, and all privileges of membership shall be refused the person or persons so offending, until the contempt be duly purged."

The SPEAKER. The Sergeant-at-arms will now close the doors. The Clerk will proceed with the call of the House.

The roll was called and the members present were as follows:

Achterman,	Duffort,	McCreary,	Shugarts,
Alexander,	Eberharter,	McDermott,	Siegel,
Allen,	Falkenstein,	McDevitt,	Simon,
Altenburg,	Ferko,	McHenry,	Simpson,
Andrews,	Finnerty,	Melchiorre,	Sinwell,
Arnold,	Fitch,	Mentzer,	Sloan,
Atkins,	Flanagan,	Merrell,	Smith, J. A.,
Ackerman,	Flinchbaugh,	Moomaw,	Smith, W. G.,
Baine,	Forrest,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Furman,	Moore,	Snyder, J. L.,
Baker, J J.,	Gates,	Moran,	Sowers,
Baldi,	Gillette,	Moul,	Spangler,
Barber,	Green,	Muir,	Sproul,
Blumberg,	Habbyshaw,	Munley,	Stank,
Boose,	Haberlen,	Murrin,	Stevens,
Boyd, R.,	Hagerty,	Nagel,	Stewart,
Boyer,	Haluska,	Nothnagle,	Stockham,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brennan,	Harkins,	O'Neill,	Tahl,
Brown, J. E.,	Harmuth,	Panton,	Terry,
Brownfield,	Hart,	Parks,	Tronzo,
Brumbaugh,	Hartman,	Patterson, C.,	Trout,
Burke,	Hefferon,	Patterson, J. W.,	Tumelty,
Cannon,	Hetrick,	Perry,	Turner,
Caputo,	Hindman,	Pfaff,	Van Allsburg,
Carr,	Hirsch,	Phillips,	Van Sickle,
Carson,	Holstrum,	Piole,	Walker,
Castor,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Rinn,	Weliver,
Coleman,	Kelder,	Roan,	Welsh,
Condon,	Kelso,	Root,	Westrick,
Conner,	Kilroy,	Ruffennach,	White,
Coolahan,	Kinney,	Ruth,	Wickersham,
Cordier,	Klingler,	Sarraf,	Winner,
Davies,	LaRue,	Schrock,	Wood,
Decker,	Linderman,	Schrope,	Woodside,
Denning,	Long,	Schwab,	Yeakel,
Dent,	Lovett,	Schwartz,	Yourishin,
Diehl,	Lynch,	Shaw,	Zappala,
Dilley,	Male,	Shepard,	Zimmerman,
Downey, G. E.,	Mallen,	Shortz,	Sarig,
Downey, J. J.,	Mason,	Shreiner,	

QUESTION OF PARLIAMENTARY INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Delaware will state his question of information.

Mr. TURNER. Mr. Speaker, I want to know when a member of this House is here and still is not here.

The SPEAKER. Will the gentleman clarify his question?

Mr. TURNER.. Mr. Speaker, I hear a voice answer "here". I looked at the seat of the member and found that he was not there and yet it was was that Member's voice that answered "here".

The SPEAKER. The gentleman will be considered as being in the House.

The Clerks inform the Chair that a quorum is present.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his question of parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, is unanimous consent necessary in order to discuss the merits of the bill at this time?

The SPEAKER. Unanimous consent is necessary.

Will the House give its unanimous consent to the gentleman from Cambria to discuss this bill?

Are there objections?

Mr. HOOPES. Mr. Speaker, I object.

The SPEAKER. The Chair hears objections and consent is not granted.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a further question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, have I understood the Chair to rule that when a majority of the members of the House do not answer to their names that a call of the House must be had and a new roll called?

The SPEAKER. That is the ruling of the Chair and is the language of the rule which the Chair has just read.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. ANDREWS. A further question of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, when the members of the House have not answered to their names, is it in order for any member to rise in his place and object to a majority being announced by the desk?

The SPEAKER. Will the gentleman state his question more clearly?

Mr. ANDREWS. Mr. Speaker, when it is manifest that a majority of the members of the House have not answered to their names, is it in order for any member of the House to call attention to the fact that the members have not answered, and to protest against any count of a majority upon the part of the desk when a majority has not actually answered?

The SPEAKER. The only guide that the Chair has is the official roll submitted to him by the Clerk, and if it is called to his attention that a majority of the members have not voted, he must under the rule close the doors, and take a poll of the House as stated in the rule which the Chair has just read.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, a further question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. ANDREWS. Is it not, therefore, in order, Mr. Speaker, for any member at any time to raise the point of order against a short roll call?

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order on the parliamentary inquiry.

The SPEAKER. We can only discuss one question at a time.

The Chair wishes to inform the gentleman from Cambria that if a member has definite information that a quorum is not voting, he has a right to raise the question.

Agreeably to the provisions of the Constitution, the yeas and nays were again taken and were as follows:

YEAS—81

Achterman,	Dilley,	McHenry,	Sloan,
Allen,	Downey, G. E.,	Mentzer,	Smith, J. A.,
Andrews,	Finnerty,	Moomaw,	Smith, W. G.,
Atkins,	Fitch,	Moran,	Snyder, F. E.,
Aukerman,	Flanagan,	Moul,	Spangler,
Baine,	Furman,	Nagel,	Stevens,
Boose,	Haberlen,	Panton,	Stewart,
Boyer,	Harkins,	Patterson, C.,	Stockham,
Brennan,	Harmuth,	Pfaff,	Stott,
Brown, H. S.,	Hartman,	Piole,	Sumney,
Brown, J. E.,	Hermansen,	Powers,	Terry,
Brumbaugh,	Hindman,	Ruth,	Tronzo,
Burke,	Kane,	Schrock,	Tumelty,
Cannon,	Kelso,	Schwab,	VanAllsburg,
Carson,	Klinger,	Shepard,	VanSickle,
Castor,	Kobelak,	Shortz,	Walker,
Chervenak,	LaRue,	Siegel,	Weiss,
Coakley,	Lovett,	Simon,	Westrick,
Cohen,	Lynch,	Simpson,	Zappala,
Coolahan,	Male,	Sinwell,	Sarig,
Diehl,	McCreary,		

NAYS—84

Alexander,	Falkenstein,	McElroy,	Shaw,
Arnold,	Ferko,	Melchiorre,	Shreiner,
Baker, F. T.,	Forrest,	Mooney,	Shugarts,
Baker, J. J.,	Gates,	Moore,	Snyder, J. L.,
Baldi,	Gerard,	Muir,	Sproul,
Barber,	Gillette,	Munley,	Stank,
Blumberg,	Green,	Murrin,	Surface,
Boyd, R.,	Habbyshaw,	Nothnagle,	Trout,
Bradley,	Hagerty,	O'Keefe,	Turner,
Brancato,	Hamilton, F. P.,	O'Neill,	Wall,
Brownfield,	Hamilton, R. S.,	Patterson, J. W.,	Weidemann,
Caputo,	Hart,	Phillips,	Welliver,
Cochran,	Hefferon,	Reising,	Welsh,
Coleman,	Hirsch,	Reynolds,	White,
Condon,	Holstrom,	Rhys,	Wickersham,
Conner,	Hoopes,	Rinn,	Winner,
Cordier,	Horst,	Roan,	Wood,
Davies,	Kilroy,	Root,	Woodside,
Denning,	Kinney,	Ruffennach,	Yeakel,
Downey, J. J.,	McDermott,	Sarraf,	Yourishin,
Eberharter,	McDevitt,	Schropp,	Zimmerman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON THIRD READING

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 2370, entitled

An Act fixing the liability for the expense of care and treatment of patients in tuberculosis sanatoriums maintained by the Commonwealth and providing for the collection of the moneys due the Commonwealth therefor

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. NAGEL. Mr. Speaker, will the sponsor of this bill explain to the members of the House its provisions?

Mr. HOLSTROM. Mr. Speaker, for the information of the members, I would say that this bill was drawn by the Institutional Department of the Department of Revenue and simply provides that where a person is maintained in any tuberculosis sanitorium or colony, that is maintained by the Commonwealth, the estate of such person or his wife, father, mother, or child or children shall be liable for the share of the patient and recovery is had in the same fashion as with any claim of the Commonwealth.

However, where the estate of the aforesaid people is not sufficient to care for the patient, the directors of the poor of the counties from whence he comes are liable for one-half of the expense of the patient, and the Commonwealth bears the other half. If at any time any money is recovered, then one-half goes back to the county and the other half to the Commonwealth.

Mr. NAGEL. Mr. Speaker, I would like to interrogate the gentleman from Lehigh.

The SPEAKER. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. HOLSTROM. I will, Mr. Speaker.

Mr. NAGEL. Mr. Speaker, for my information will the gentleman state whether or not is has been the law or custom for the county to pay their portion heretofore?

Mr. HOLSTROM. Mr. Speaker, this is a new act. I do not know what the procedure has been before.

Mr. NAGEL. Mr. Speaker and members of the House, this bill has to do with institutions maintained by the Commonwealth, and it would appear as has been explained to us that a part of the expense, I believe a half of what is not paid by the patient or by his relatives or by his property must be paid by the county. Of course, I plead ignorance as to what were the laws prior to this time for the reason that I do not know, but it seems that this bill might put a burden on our counties that they are not able to bear, and as this is a state institution it would seem to me that this burden ought to be assumed and carried by the Commonwealth.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—69

Aukerman,	Finnerty,	Melchiorre,	Schrope,
Baker, J. J.,	Fitch,	Mentzer,	Schwab,
Brown, J. E.,	Flanagan,	Mooney,	Shaw,
Burke,	Forrest,	Moran,	Shugarts,
Chervenak,	Furman,	Moul,	Siegel,
Coakley,	Hagerty,	O'Keefe,	Simpson,
Cochran,	Hamilton, F. P.,	Ominsky,	Stockham,
Cohen,	Hamilton, R. S.,	O'Neill,	Sumney,
Coleman,	Harkins,	Patterson, C.,	Tronzo,
Condon,	Holstrom,	Patterson, J. W.,	Tumelty,
Conner,	Hoopes,	Pfaff,	VanSickle,
Coolahan,	Horst,	Piole,	Walker,
Diehl,	Jackson,	Powers,	Weiss,
Downey, G. E.,	Kobelak,	Root,	Welliver,
Downey, J. J.,	Lovett,	Ruffennach,	Yeakel,
Duffort,	Male,	Ruth,	Zappala,
Eberharter,	McDermott,	Sarraf,	Sarig,
Eroe,	McDevitt,		

NAYS—73

Achterman,	Gates,	McKinney,	Sinwell,
Altenburg,	Gillette,	Merrell,	Sloan,
Atkins,	Green,	Moore,	Snyder, F. E.,
Baine,	Greenstein,	Muir,	Snyder, J. L.,
Baker, F. T.,	Habbyshaw,	Munley,	Sowers,
Baldi,	Haberlen,	Murrin,	Spangler,
Barber,	Hartman,	Nagel,	Sproul,
Boose,	Hefferon,	Panton,	Stewart,
Brennan,	Hermansen,	Parks,	Terry,
Brown, H. S.,	Hetrick,	Perry,	Trout,
Cannon,	Kane,	Phillips,	Turner,
Castor,	Kelder,	Reising,	Wall,
Cordier,	Kelso,	Rhys,	Weidemann,
Davies,	Kinney,	Roan,	Welsh,
Decker,	Klinger,	Schrock,	Westrick,
Denning,	LaRue,	Shepard,	Wickersham,
Dilley,	Lynch,	Shortz,	Wood,
Ferko,	McCreary,	Shreiner,	Woodside,

Less than the majority required by the Constitution having voted in the ajrmative, the question was determined in the negative and the bill falls.

RECONSIDERATION OF VOTE ON RESOLUTION NO. 139

Mr. BLUMBERG. Mr. Speaker, I move that the vote by which Resolution No. 139, Printer's No. 1043 was adopted be reconsidered.

Mr. KILROY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Blumberg vote on the adoption of the resolution?

Mr. BLUMBERG. I voted "aye," Mr. Speaker.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Kilroy, vote on the adoption of the resolution?

Mr. KILROY. I voted "aye" Mr. Speaker.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House adopt the resolution?

Mr. BLUMBERG. Mr. Speaker and members of the House, when this resolution was before you about a half hour ago, the House was in great disorder and passed the resolution without any consideration being given to it by those directly affected.

This resolution provides for an investigation of the entire relief situation in the City of Philadelphia and the preamble states that "chaos" exists. That is not so. We believe that in Philadelphia we have as efficient a system for distributing relief as possible.

Of course we all realize that there are defects in the system, which can be corrected. We know that there is a small amount of chiseling. Attention has been directed to these defects and efforts are now being made to remove all the obstacles and for creating what we believe will be the standard for relief distribution in Pennsylvania.

The state administrator is making every effort to coordinate all the relief systems existing in the various counties, and I do not believe that we ought to go further and hamstring the state administrator by having these relief investigations in the various counties. I do not believe that this House ought to go on record as inserting into the bill appropriations for expenses for these committees. I believe the matter is now in control and is having attention. I, therefore, see no necessity for the passage of this resolution.

Mr. CANNON. Mr. Speaker and members of the House, in answer to the gentleman from Philadelphia as to whether chaos exists in Philadelphia or not, it still remains a fact that the public press recently has printed much on the subject, and there are three different papers from Philadelphia showing the situation in Philadelphia.

As far back as January 14, 1935, Resolution No. 10, was presented to this House and passed this House after roll call, and at that time I again attempted to put those responsible on the spot. If you have your hands in the pie all right.

It has been said on the floor of this House that we will stand here until Hell freezes over. Well, let me say this, if you stay, — — — —

The SPEAKER. Will the gentleman refrain from using disorderly language in debate.

Mr. CANNON. Mr. Speaker, is it not of record in the Legislative Journal that the same expression was used in this House, which I have just used here this morning?

The SPEAKER. The gentleman is correct, but disorderly words have no place in debate. The Chair will ask the gentleman to refrain from using them.

Mr. CANNON. I will, Mr. Speaker, with pleasure.

I will say this—yes; I will bring it in another light. It has been said that Our Lord was sold for thirty pieces of silver.

I well remember that one month ago today, the 15th day of April, was the dead line and today I guess the people in Philadelphia and in the Commonwealth, those in distress are again up against the Pilates.

Going back to resolution No. 139, I say that an investigation is necessary, fundamentally necessary in Philadelphia or I would not be so stern in demanding it.

The public press has printed much concerning the matter. I am going to quote to you from the Philadelphia Evening Bulletin of last night. I read the names of the Committee that have been appointed for handling relief not only in the past but who decided to do the same thing in the future, and I say they should not be given the reigns in Philadelphia, I say that the reigns should be taken from them.

I remember seeing a head line in the past that a gentleman from Philadelphia by the name of McCoy had asked the aid of the public in the removing of relief chiselers. How did those relief chislers get there in the first place? If those people in Philadelphia had done their duty, they would not be there. Furthermore, the same gentleman favors the work of a Miss Kahn, who declined an offer to leave the city for the purpose of heading relief work in another large city. Oh, boy!

Another idea conceived! The secretary, Charles A. Waters, who would hold up the entire allotment from Philadelphia. That is his idea to provide aid for the poor, suffering people in Philadelphia. Well, I will still ask for the passage of Resolution No. 139.

I will now go a little further. I told you what was in the press, last night's bulletin. Last Saturday afternoon I was called upon the phone and requested — —

Mr. Speaker I really know that I am up against it, and I expect I might have made a slight error. In regards to being called up on the phone—the phone rang and one of my family called me to the phone, and when I answered the phone, it was a request to meet a committee of relief workers. I hesitated in granting that request, but finally did so. On Sunday they appeared at my home, and they had some thoughts regarding legislation in this House. I told them that they had their duty to perform as relief workers and that I had my duty to do as a Legislator and that I intended to do so

They did not know that I had in my possession a copy of this paper and one of them said that they had an association. Now, what is the relief for, for the unemployed or for an association of relief workers? It cannot be denied that there is a publication called "Associated News," which is published for their own benefit. I want to quote to you right from the publication known as the Associated News which is published by relief workers and organizations that are supposed to be charitably inclined but who are adding a heavy payroll and a heavy burden to this state.

"As we go to press, we learn that the committee elected at the general meeting of January 7th to see Mr. Johnson has had an interview with his in Harrisburg. A detailed report on what our committee told Mr. Johnson regarding salaries, working conditions, et cetera and what Mr. Johnson replied will be given at the next General Meeting on March 11, 1935."

Further I quote:

"Miss Kahn advised to sit tight. The Executive Committee reported to the General Meeting held on January 7th, that when they met Miss Kahn had advised the Association to do nothing. She further stated that should any good results be forthcoming, the association should not take credit for them but should anything go wrong it would be the Associations' fault." And then goes on to show you the conditions—

The SPEAKER. The Chair wishes to inform the House that there is about to be presented a very important resolution in regard to relief and the Chair would ask the gentleman from Philadelphia, Mr. Cannon, to yield for the moment. The Chair will later recognize the gentleman from Philadelphia.

CONSIDERATION OF RESOLUTION POSTPONED

Mr. CANNON. Mr. Speaker, for the benefit of the House and for humanity, I yield at this time until further notice.

I move to postpone the consideration of the resolution temporarily.

The motion was agreed to.

RESOLUTION

GOVERNOR AUTHORIZED TO APPROPRIATE FUNDS TO EMERGENCY RELIEF

Mr. RUTH asked and obtained unanimous consent to offer a resolution and for its immediate consideration.

The resolution was read by the Clerk as follows:

Whereas, Senate Bill 1289 (House Bill 2856), appropriating to the State Emergency Relief Board the sum of Three Million Dollars ($3,000,000) for unemployment relief, is in the Committee on Appropriations in the House of Representatives, and

Whereas, This bill is impossible of passage until it has been acted upon by the House of Representatives on three legislative days, and

Whereas, It is of vital importance to the Commonwealth of Pennsylvania and to the unemployment relief situation that Federal Relief Administrator Harry L Hopkins be appraised of the fact that the Commonwealth of Pennsylvania has for unemployment relief expenditure the sum of Three Million Dollars ($3,000,000) for the month of May, now, therefore, be it

Resolved that the House of Representatives hereby authorizes the Governor and the fiscal officers of the Commonwealth to appropriate to the State Emergency Relief Board from the General Fund the sum of Three Million Dollars ($3,000,000), and the House of Representatives hereby pledges that it will pass without amendment Senate Bill 1289 (House Bill 2856) so providing, validating the action of the Governor, and the fiscal officers, in making such appropriation, and the House of Representatives further pledges that it shall so do without delay.

On the question,

Will the House adopt the resolution?

Mr. WITKIN. Mr. Speaker, the resolution just introduced by the gentleman from Berks, Mr. Ruth, and by myself represents the result of a conference just held in the Governor's Office in the past half hour.

The Federal Administrator at Washington insists that Pennsylvania live up to its agreement, to provide three million dollars for unemployment for the ensuing month. As we all know, the tax program or a tax program is on its way from the Senate. Part of the understanding is that three million dollars was to be provided, by the bill Senator Gelder introduced and which was passed by the Senate, Senate Bill 1289, and which is now in the House Appropriation Committee. It is impossible to pass this bill without having three legislative days. However, in order that Washington may be appraised of the fact that the House will so do and that three million dollars will be available as Pennsylvania's share toward unemployment relief for the ensuing months, this resolution asks that you go on record that you will vote for Senate Bill No. 1289 without amendment, and the three million dollars that is being appropriated, except for a possible half month's lapse, would be part of the sixty million dollars, which is the amount set aside for unemployment relief for the next year. I ask the members of the House in order that unemployment relief may not stop in Pennsylvania, because under the insistence of the Federal Administrator at Washington it would stop if these three million dollars was not guaranteed by the state of Pennsylvania to meet the situation as it acutally exists. I want to ask the members of the House to vote "aye" on this resolution.

Mr. RUTH. Mr. Speaker and members of the House, the gentleman from Philadelphia, Mr. Witkin, has covered most of the important factors.

There is one other thing to be said, and that it, that relief would have stopped at one o'clock today, because there was not really ten cents worth of relief in sight at the time of the writing of this resolution. By passing this resolution we can guarantee relief in the Commonwealth until at least the first of June. I ask every member to vote "aye" on this resolution.

Mr. ANDREWS. Mr. Speaker and members of the House, I would call the attention of the House to the fact that by reason of the failure to follow proper parliamentary procedure through the enactment of legislation, this House by the pending resolution pledges the Governor and the House to do a perfectly illegal thing.

The Governor has no right under the Constitution or by any statute to take any money out of the general fund for any purpose without authorization upon the part of the Legislature.

This act is a gesture, it is a gesture to cover failure, and it is a gesture that any interested taxpayer could stop over night if he were so disposed.

I am simply rising at this time, Mr. Speaker, to call the attention of the House to the fact that it is time to quit doing illegal things, unconstitutional things for the purpose of dealing with a perfectly definite problem that faces us day by day and for which adequate provisions should be made.

I am quite sure that the gentleman from Philadelphia knows that there is no power in a resolution to appropriate money and that the gentleman from Berks and all of the other members of the House know that this resolution, like the Sardoni resolution, is absolutely without legal effect and that if the Governor of Pennsylvania does take any money out of the General Fund for relief purposes prior to the time that he is properly authorized to do so by this Legislature, he is doing an illegal act, from which he should be restrained.

Mr. WITKIN. Mr. Speaker and members of the House, there is some degree of merit to the legal contention of the gentleman from Cambria, Mr. Andrews.

However, I take it that neither he nor I can set ourselves up as the final arbiter as to what is legal or what is not legal.

I am not so sure that the Supreme Court of Pennsylvania were they called upon to interpret this action might not well say that the emergency that existed demanded some such action as this resolution.

I say very frankly on the record that Washington demands such immediate action, that we are faced with the problem and unless action is taken, relief in Pennsylvania will stop, and if it were not for the exercise of discretion by the Relief Administrator relief would have stopped at one o'clock today.

That action at Washington may or may not have been the proper action; I have my own thoughts with respect to it but whether or not it is proper or improper isn't the question. The question is, what can we do to convince Washington that three million dollars is available for relief. The only possible way we can do it is by this gesture, if you please, or by this resolution pledging ourselves, as we have in the past, that we will appropriate this three million dollars. His Excellency the Governor and the fiscal officers of the Commonwealth can then determine what their course shall be, but our duty lies in the fact that we ought to say to His Excellency the Governor and to the people of Pennsylvania that we are at least going to provide the money. And, as I said at the outset, I believe that the extreme emergency justifies the action that we are taking, and I am not so sure that the Supreme Court if called upon might not, despite the constitutional prohibition, say that it was proper.

I, therefore, ask the membership of this House to vote to meet a serious situation by voting "aye" for the resolution and not being captious at this particular moment.

QUESTION OF INFORMATION

Mr. ANDREWS. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, will state his question of information.

Mr. ANDREWS. Mr. Speaker, I would like to ask if the Gelder bill is in the possession of this House?

The SPEAKER. The Gelder bill is in the possession of a committee of this House, namely, the Appropriations Committee.

Mr. ANDREWS. Mr. Speaker, may I ask the Chairman of the Appropriation Committee if it is proposed to report out the Gelder bill and when?

The SPEAKER. Will the gentleman from York the Chairman of the Appropriations Committee, Mr. Cohen, permit himself to be interrogated?

Mr. COHEN. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, what action has the Appropriation Committee taken with reference to the Gelder bill?

Mr. COHEN. Mr. Speaker and members of the House, the Gelder bill, House Bill 2856, Senate Bill 1289, is now in the possession of the Appropriations Committee.

Immediately after the adoption of this resolution, it is proposed to ask the House for consent to permit the Appropriations Committee to meet during the session of the House, and to act upon the bill and report the same favorably to the House for its consideration and for first reading.

Mr. ANDREWS. Mr. Speaker and members of the House, I thank the gentleman from York, Mr. Cohen, the Chairman of the Appropriations Committee, and I am continuing to occupy your attention for this single purpose, and very briefly:

I want to protest against the attitude, the point of view expressed by the gentleman from Philadelphia, who would have you believe that this House is doing a very generous thing in order to offset the cruelty with which the Federal Relief Administrator regards Pennsylvania, whereas this House knows that this situation has faced the General Assembly for weeks and that we are now proceeding in desperation, as I have stated, to do an illegal thing, in order to cure the failure promptly to act in a proper legislative parlimentary way, and we are not being generous in the least.

Mr. FLINCHBAUGH. Mr. Speaker and members of the House, I hesitate to inject myself into this debate, but I want to call your attention to a historical fact that happened in the state of Pennsylvania.

Some forty years ago in Pennsylvania, after incessant rains for many days, a great dam in the western part of Pennsylvania broke, and a great wall of water came down and swept over the city of Johnstown, the city which the gentleman from Cambria has the honor of representing today. Thousands of lives were lost and thousands of people were made homeless. The great state of Pennsylvania went to the rescue of those people without any delegated

Constitutional authority. The then Governor of Pennsylvania took the money out of the General Fund of Pennsylvania without, mark you, any legal authority under the Constitution, without any appropriation by the Legislature of Pennsylvania, because the Legislature was not in session at that time, and a great emergency existed.

People said that the Governor was overstepping his power, but the next Governor of the state of Pennsylvania, who was from Philadelphia, Robert E. Pattison, approved the action of the former Governor of Pennsylvania and asked the Legislature to appropriate this money which the former Governor had taken out of the General Fund.

If it were not for the fact that the then Governor of Pennsylvania exceeded, if you please, his authority, thousands of people would have suffered.

Today the calamity is not only in the city of Johnstown but it is over the entire state of Pennsylvania from one border to the other, and thousands of people are looking to this Legislature for relief, and for succor.

I am not a lawyer and the only legal training I have had has been as a country squire, but I am told that the police powers of the state exceed the written constitutional law and that any government has a right to perpetuate itself, constitutions notwithstanding. In other words, I believe that constitutions were made for man and not man for constitutions. Therefore, I think we will do the wise and proper thing by voting for this resolution and I believe that our action will be approved by the people of this Commonwealth.

Mr. TURNER. Mr. Speaker and members of the House, I was interested in the statement of the gentleman from Cambria that this condition was known to the House a month ago and that no steps had been taken in the matter.

I would like to refresh the memory of the gentleman from Cambria, or if he will turn to his history I think he will find that on March 26th I presented to this House a set of figures showing the amount of appropriation liability for the balance of the session and that what was needed for unemployment relief was the sum of ten million dollars plus the sum of ten million dollars needed for hospitals and our State educational institutions.

The Democratic leadership in this House refused to permit us to consider that resolution. It was sent to committee and has remained there.

Some two weeks later I again called the attention of this House in a similar resolution to the necessity that was facing us and the crisis that was existing in this State, and the immediate need for raising money, and I asked that a Legislative committee of this House be appointed for the purpose of devising ways and means of raising that money, in order that such an emergency as we are facing today might not happen. Again we were refused at that time consideration of the resolution. It was sent to committee and it has remained there.

I well remember the words of the Democratic floor leader who said that anyone could go and get these figures, that anyone could devise a program, and my reply was that the individual and myself attempted to do some of these things and that it was apparent that it could not be accomplished without joint action on the part of both of us.

Therefore, the responsibility, Mr. Speaker and members of this House, rests with my friends on the other side, for not seeing the contingencies that were going to arise and in not seeing those things that have arisen today and which have placed us in this position.

Therefore, it is not our province now to hesitate. We can not raise technical, legal objections to this resolution, but we should, I think, endorse the resolution and provide for the people of Pennsylvania and let it be a lesson to us and to the rest of the House in the future that when we see long ahead the things that are coming we should not just for partisan reasons prevent the enactment of such measures that will stop conditions of this kind from arising.

Mr. COHEN. Mr. Speaker and members of the House, I am that our friend, the gentleman from Delaware, has injected in this absolutely non-partisan measure.

Mr. WITKIN. Mr. Speaker, I think that the gentleman from York. Mr. Cohen, is perfectly justified in making a reply to the gentleman from Delaware, Mr. Turner. I was wondering, however, whether in the interests of the expeditious passage of this resolution, he would not agree to make his reply to Mr. Turner immediately after this resolution has been acted upon. I do not want to shut the gentleman off, and I think that he has a perfect right to reply to Mr. Turner. It is only in the interests of saving time that I would like to ask him to permit it to go over.

Mr. COHEN. Mr. Speaker and members of the House, I would like to say in reply to the gentleman from Philadelphia that immediately after the passage of this resolution I will ask permission to hold a meeting of the Committee on Appropriations.

My statement would possibly have been already finished if Mr. Witkin had not interrupted me.

Mr. Speaker, I reiterate, I am sorry that the gentleman from Delaware has seen fit to inject partisan politics into a purely non-partisan measure.

The question of who is to blame for the conditions existing in the Commonwealth is not one that could have been rectified by a study of the financial affairs of the Commonwealth. They were ascertained and known to this House, and it is with a great deal of reluctance that in reply to the gentleman from Delaware, I am constrained to say that our present difficulty is due entirely to the failure to enact the sixty million dollar relief program for the year. I do not wish to indicate upon whose shoulders that responsibility lies. I will let that to the membership of this House to decide.

Mr. Speaker, I move the previous queston.

The motion was seconded by Messrs. Simon, Sinwell, Coakley, Rinn, Haberlen, Cason, Sumney, Munley, Coleman, LaRue, Ruth, Moul, Moomaw, Schwab, Panton, Cliff Patterson, Flinchbaugh, Cannon, Walker, Coolahan, Kinney and others.

On the question,
Shall the main question be now put?
It was agree dto.
On the question recurring,
Will the House adopt the resolution?
It was adopted.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF THE HOUSE

Mr. COHEN. Mr. Speaker, I move that the Committee on Appropriations be granted permission to meet in the Conference room during the session of the House.

The motion was agreed to.

CONSIDERATION OF RESOLUTION NO. 139 RESUMED

Mr. CANNON. Mr. Speaker, I move that consideration of Resolution No. 139, which was postponed a short time ago, be resumed.

The motion was agreed to.

On the question recurring,

Will the House adopt the resolution?

Mr. CANNON. Mr. Speaker and members of the House, brief and short, in behalf of humanity I am going to ask the members of this General Assembly to support resolution No. 139. I thank you.

Mr. KILROY. Mr. Speaker and members of the House, I agree with the gentleman from Philadelphia, Mr. Blumberg, that there is no need for an investigation in Philadelphia. It will embarrass the relief administrator and also involve necessary expenses for the Commonwealth. There is already a state relief investigation under way and they will be in Philadelphia shortly.

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I quite agree with the resolution of the gentleman from Philadelphia, Mr. Cannon, with one exception; that is, the appropriation for this investigation. I might say that I think the investigation could be held without any appropriation. In Washington County we have met, I believe, about ten times, and the relief department has furnished the necessary stenographic help to the members of the House who are on that investigating committee. We have a report to make and it looks a good deal like a family Bible. I think this resolution for an investigation is all right, with the exception of the matter of appropriation. I would ask Mr. Cannon if he could not eliminate that feature. There is no question at all as to the investigation. It probably would be a good thing. This is not fault finding, it is simply to get to the facts for the benefit of the relief organizations of the State of Pennsylvania.

Mr. CANNON. Mr. Speaker and members of the House, I consider that resolution No. 139 is beneficial to the city of Philadelphia, and in response to the gentleman's request, Mr. John E. Brown, I will say that I would be willing to have the resolution go through without an appropriation, so that those in distress could get what belongs to them.

MOTION TO TABLE

Mr. CANNON. Mr. Speaker, I move, therefore, that this resolution be laid upon the table until it can be amended.

On the question,

Will the House agree to the motion?

The SPEAKER declared the "nays" appear to have it.

Whereupon, a division was called for, forty-six members voting the in the affirmative and seventy in the negative, the question was determined in the negative and the motion was not agreed to. ,

On the question recurring,

Will the House adopt the resolution?

Mr. JOHN E. BROWN. Mr. Speaker and members of the House on account of the appropriation involved in this resolution, I ask the members of the House to vote against the resolution.

Mr. CANNON. Mr. Speaker, I readily realize what I am up against and so do the people of Philadelphia, and I won't withdraw the resolution until the bitter end. Let them defeat it or do whatever they wish and they will go on record and the people will know where they stand in regard to humanity, Democrat or Republican. Socialist or anyone else.

On the question recurring,

Will the House adopt the resolution?

It was not adopted.

REPORT FROM COMMITTEE

Mr. COHEN, from the Committee on Appropriations asked and obtained unanimous consent to report as committed, House Bill No. 2856 (Senate Bill No. 1289), entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

BILL ON FIRST READING

Mr. COHEN asked and obtained unanimous consent to have House Bill 2856, (Senate Bill No. 1289) read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2856 (Senate Bill No. 1289), entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORTS FROM COMMITTEES

Mr. TURNER, from the Committee on Insurance, reported as committed, House Bill No. 2404, entitled:

An Act to further amend Section 17 of the Act approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws 916), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by, the Insurance Commissioner; and repealing existing laws" to require such societies seeking admission to this Commonwealth to file a valuation report.

Mr. EBERHARTER, from the Committee on Military Affairs, reported as committed, House Resolution No. 144.

BILL RE-REFERRED

Mr. COAKLEY, returned from the Committee on Judiciary Special with the recommendation that it be re-referred to the Committee on Pensions and Gratuities, House Bill No. 2204, entitled:

An Act to amend section six and eleven of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State supervisor and assistants, and fixing the salaries of such

State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; provding for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of the act to appropriate certain moneys; and providing penalties," changing the qualifications of mothers entitled to the assistance provided by the said act.

The SPEAKER. The bill is now re-referred to the Committee on Pensions and Gratuities.

BILL INTRODUCED AND REFERRED

By Mr. CORDIER, (HOUSE BILL No. 2858).

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimer Pulaski.

Referred to the Committee on Appropriations.

RESOLUTION

RECALLING HOUSE BILL NO. 965 FROM THE GOVERNOR

Mr. DECKER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 14, 1935.

Resolved (if the Senate concur), That House Bill No. 965, Printer's No. 147, entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. It is the intention of the Chair to declare a recess until four o'clock. The Chair cannot decide at this time whether we will have to have a Thursday session or not. By that time we expect to hear further from Washington and if it is not imperative for the House to remain the Chair will try to adjourn today for the rest of this week.

The Chair would like every member to be in his seat at four o'clock this afternoon, so that we can resume the third reading calendar and try to get out at least not later than six o'clock. The Chair will try to make it a short session if the members will cooperate.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Corporations will meet immediately after this session in room 323.

The Committee on Forestry will meet immediately after this session in room 521.

The Committee on Public Health and Sanitation will meet immediately after this session in room 326.

The Committee on Judiciary General will meet immediately after this session in room 325.

The Committee on Pensions and Gratuities will meet immediately after this session in room 324.

The Committee on Ways and Means will meet immediately after this session in room 326.

The Committee on Cities will meet at 2:30 P. M.

The Committee on Public Utilities will meet at 3:00 P. M. in room 326.

Baseball game between the Democratic and Republican members of the House will be held Tuesday, May 21st, at 3:00 P. M.

RECESS

The SPEAKER. If there are no objections the Chair will now declare a recess until four o'clock this afternoon. The Chair hears none and a recess is declared until 4:00 o'clock.

AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The House reconvened at 4:00 o'clock P. M.

REPORTS FROM COMMITTEES

Mr. HABERLEN, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 2742, entitled:

An Act to regulate the sale of certain hynnotic analgesic and bodyweight reduction drugs in the interest of public health.

Mr. MALE, from the Committee on Ways and Means, reported as committed, House Bill No. 2338, entitled:

An Act to amend section three of the act approved the twentieth day of April, one thousand nine hundred and twenty-seven (P. L. 322), entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks, and trust companies, and certain partnerships," exempting credit unions from the provisions of the act.

Mr. MORAN, from the Committee on Pensions and Gratuities, reported as amended, House Bill No. 1914, entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July, one thousand nine hundred and seventeen, (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof, establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds, imposing powers and duties upon boards having the employment of public school employes, exempting annuities, allowances, returns, benefits and rights from taxation and judicial process, and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System to be reimbursed for moneys which they have paid in.

Mr. LONG, from the Committee on Public Utilities, reported as committed, House Bill No. 2002, entitled:

An Act fixing a uniform rate telephone companies may charge for listings in telephone directories.

Mr. MENTZER, from the Committee on Public Utilities, reported as committed House Bill No. 2675, entitled

An Act to amend article two section one (f) and article five section four of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations en-

gaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring the approval of the commission to proposed increases in rates placing the burden of proof in certain cases on the public service company and empowering the Public Service Commission to decree reparations.

Mr. MELCHIORRE, from the Committee on Public Utilities reported as committed, House Bill No. 2685, entitled

An Act providing for the regulation, supervision and control of public service company holding companies and affiliated interests; requiring approval of contracts between such holding companies or affiliated interests and public service companies; subjecting such contracts to continuing supervision and control; providing for the disallowance of compensation paid thereunder by public service companies in certain contingencies; conferring powers and imposing duties on the public service commission; conferring jurisdiction on the courts of common pleas, and concurrent jurisdiction throughout the Commonwealth on the court of common pleas of Dauphin County; imposing penalties; and repealing certain provisions of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred seventy-four) as amended, commonly known as the "Public Service Company Law."

Mr. FRANK P. HAMILTON, from the Committee on Pensions and Gratuities reported as committed, House Bill No. 1973, entitled

An Act to further amend section twelve of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending the benefits of said act to certain employes who have heretofore separated from school service.

Mr. ALLEN, from the Committee on Pensions and Gratuities reported as committed, House Bill No. 2339, entitled

An Act to amend section thirteen, and section fourteen as amended, of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," changing the ages fixed for the retirement of such employes.

Mr. FERKO, from the Committee on Public Health and Sanitation, reported as amended House Bill No. 1338, entitled:

An Act relating to limited dividend; housing companies; defining and providing for the formation of such corporations for the purpose of eliminating unsanitary and dangerous housing conditions, and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; extending to such corporations certain existing laws relating generally to business corporations; providing for the supervision and regulation of the activities of such corporations by the State Board of Housing in the Department of Health; exempting from control by the State Board any such companies aided by the Federal Government or agencies thereof; providing for the protection of such corporations and the parties dealing with them; prescribing, defining and limiting the powers and duties of such corporations; authorizing them to borrow moneys from agencies of the United States government; conferring upon certain of such corporations and limiting their use of the power of eminent domain; exempting such corporations from the payment of the capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; and authorizing certain existing companies to accept the provisions of this act.

Mr. STOCKHAM, from the Committee on Judiciary Special, reported as committed House Bill No. 2407, entitled:

An Act establishing an unemployment compensation system and providing for the administration of the same by the Department of Labor and Industry imposing upon employers certain contributions to provide benefits for unemployed employes conferring powers and imposing duties upon the State Treasurer the Department of Justice employers and employes creating certain special funds and appropriating the moneys payable into such funds providing for the creation of certain agencies to assist in the administration of this Act and prescribing penalties

Mr. YOURISHIN, from the Committee on Education reported as amended House Bill No. 1576, entitled:

An Act to further amend sections five hundred and twenty-eight and five hundred and fifty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the conditions of the bonds of collectors and receivers of school taxes; and providing when liability on such bonds shall cease.

Mr. POWERS, from the Committee on Corporations reported as committed, House Bill No. 2666, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred eighty-nine), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations,' by modifying and clarifying the provisions of the act relating to the corporate name and the advertisement of certain incorporate procedure.

Mr. POWERS, from the Committee on Corporations reported as committed, House Bill No. 2659, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up in dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by modifying and clarifying the provisions of the act relating to the corporate name, the advertisement of certain incorporate procedure, and formal actions by shareholders.

Mr. MASON, from the Committee on Judiciary General reported as committed, House Bill No. 1135, entitled:

An Act to repeal certain parts of acts relating to struck juries.

Mr. WICKERSHAM, from the Committee on Corporations reported as committed, House Bill No. 2716, entitled:

An Act to amend clause two of section four hundred and two of the act approved the third day of July, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by limiting the number of directors who may be officers, clerks, employes or agents of the corporation.

Mr. BLUMBERG, from the Committee on Judiciary General reported as committed, House Bill No. 2835, entitled:

An Act increasing the number of courts of common pleas in the county of Philadelphia; establishing therein a distinct and separate court of common pleas, designated court of common pleas number six, and providing for the election and appointment of judges for said court.

Mr. OMINSKY, from the Committee on Judiciary General reported as amended, House Bill No. 2145, entitled:

An Act to repeal section six of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred three), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor."

Mr. LONG, from the Committee on Judiciary Special reported as committed, House Bill No. 2784 (Senate Bill No. 144), entitled:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties.

Mr. TUMELTY, from the Committee on Corporations reported as committed, House Bill No. 607 (Senate Bill No. 105), entitled:

An Act empowering private corporations hereafter formed and municipalities to establish operate and maintain foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress of the United States and prescribing the powers and duties of such corporations and municipalities in connection therewith.

Mr. BANE, from the Committee on Public Utilities re-reported as amended, House Bill No. 2023, entitled:

An Act to amend an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunction, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof, repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," as amended, by designating as public service companies, persons, partnerships, associations and corporations engaged in selling liquid fuels and lubricating oils, and also those engaged in leasing franchises, rights, powers, immunities, privileges or facilities to other public service companies and empowering, the Public Service Commission to regulate the same; and by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies, or affiliated interests, involving loans of money to such public service companies, and of contracts for the acquisition and construction of certain facilities and permanent improvements.

REPORT FROM COMMITTEE

Mr. HOMER S. BROWN, from the Committee on Judiciary Special reported as committed, House Resolution No. 150.

RESOLUTION

INVESTIGATION OF BERKS COUNTY RELIEF

Mr. HOOPES asked and obtained unanimous consent to call up and for immediate consideration Resolution No. 150.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 13, 1935.

Whereas, Dissatisfaction with the administration of direct and work relief is widespread in the County of Berks, and

Whereas, Allegations are being made that the Berks County Emergency Relief Board and the United States Employment Bureau and other agencies dealing with relief are not using their powers consistent with the best interests of those in need, and

Whereas, Although misery is widespread it is charged that improper and incompetent personnel is being employed, that political activity is being indulged in and aid is being granted on a political basis, husbands and wives are both employed, or one employed when the other has employment elsewhere, that the members of the immediate family of public officials drawing salaries of several thousand dollars annually are given jobs, and that political friends of other politicians have been induced to give up private employment and accept jobs as foremen at substantially increased pay while equally qualified unemployed are forced to exist upon food vouchers.

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House whose duty it shall be to thoroughly and impartially investigate the Berks County Emergency Relief Board and the United States Employment Bureau in said county or any other governmental agency dealing with relief and the personnel thereof with a view of determining whether the allegations set forth in the preamble hereof are true and to make report thereof to the House of Representatives as early as possible, at this or the next Session of the Legislature.

Resolved, That the said committee shall have power o issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Resolved, That said committee shall have the further right and authority to issue a requisition to the aforesaid board bureau or agency for such stenographic help or service as it may deem necessary under the circumstances in the taking of testimony and the conduct of hearings, etc.

On the question,

Will the House adopt the resolution?

It was adopted.

APPOINTMENT OF COMMITTEE

The SPEAKER. In pursuance of the provisions of the Resolution No. 150, just adopted, the Chair appoints the following committee: Messrs Hoopes, Chairman, Ruth, LaRue, George E. Downey and Mrs. Wilson.

RESOLUTION

RECALLING HOUSE BILL NO. 1633 FROM THE GOVERNOR

Mr. TURNER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 15, 1935.

Resolved, (if the Senate concur), that House Bill No. 1633, Printer's No. 432, entitled "An act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Law three hundred thirty-five) entitled 'An act to provide for the consolidation of boroughs and the government and regulation thereof' making further regulations for the election of justices of the peace in such consolidated boroughs", be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 817.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 817, Printer's No. 111, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. HART. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. HART. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring

Will the House agree to the bill on third reading?

Mr. HART. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 7 of title, by inserting after the word "classifications" the following: "and providing further for retirements and the rights of retired persons"

Amend sec. 1, page 1, line 12, by inserting after the word "person" the following: "now retired or who may hereafter be retired from the Pennsylvania National Guard"

Amend sec. 1, page 2, lines 3 and 4, by striking out with lightfaced brackets the words "retirement from the National Guard be retired" and insert in lieu thereof "application made to the Adjutant General be placed upon the retired list"

Amend sec. 1, page 2, lines 8 and 9, by striking out with lightfaced brackets the words "retirement from the National Guard be retired" and insert in lieu thereof "application made to the Adjutant General be placed upon the retired list

Amend sec. 1, page 2, line 14, by striking out with heavy-faced brackets the word "way" and insert in lieu thereof "war"

Amend sec. 1, page 2, line 21, by inserting after the word "act" the following: "All retired officers shall be entitled to wear the uniform of their grade as retired officers of the Pennsylvania National Guard on all proper military and semi-military occasions."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

LEAVE OF ABSENCE

Mr. SPROUL asked and obtained leave of absence for himself for the balance of the week.

Mr. Coolahan asked and obtained leave of absence for Mr. WALKER.

STATEMENT BY MR. WELLIVER

Mr. WELLIVER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, forty years ago I was driven out of this House by fire and smoke. This morning I was locked out of the House.

I want to say to my good friend, Mr. Turner, that the parliamentary rules are the same today as they were forty years ago, and I want to thank you, Mr. Speaker, for having decided in my favor.

Anybody who may not be in his seat when the roll is called should be up there in the haymow. "When the roll is called up yonder, I'll be there."

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2544, entitled:

An act to amend the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), as amended, entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by authorizing the State Workmens' Insurance Board to pay dividends in such proportion as it may determine; by giving the said board the right to reject any risk; and by authorizing the State Fund to write any form of workmen's compensation or employers' liability insurance.

On the question,

Will the House agreed to the bill on third reading?

Mr. SIMPSON. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Allegheny, Mr. Kobelak, permit himself to be interrogated?

Mr. KOBELAK. Mr. Speaker, I will.

Mr. SIMPSON. Mr. Speaker, I would like to ask whether under this bill it is possible that the situation would arise where an individual in the Commonwealth, an employer, could not get compensation insurance as required under the present Compensation Act.

Mr. KOBELAK. I believe it could, Mr. Speaker.

Mr. SIMPSON. Mr. Speaker, does the gentleman believe that is advisable?

Mr. KOBELAK. Mr. Speaker, it would be necessary to protect the fund.

Mr. SIMPSON. Mr. Speaker and members of the House, as I understand our present Workmen's Compensation Act, practically all employers in the Commonwealth are required to carry compensation insurance. Under Section 14 of this Act there is a proviso that the Board of the State Workmen's Fund may do the same thing that private companies are going nowadays; it is common to refuse to assume the risk of any particular employer. I submit that this is very unwise for the reason that the risks that are refused by the private carrier are most likely to be hazardous risks, and consequently these companies refuse them. Now if we permitted the State Workmen's Board to do the same thing, we will find that that particular class of employers who necessarily need the insurance most will be unable to get the compensation insurance, and for that reason I ask the members of the House not to support this bill.

Mr. KOBELAK. Mr. Speaker and members of the House, this has been an Act since 1915, except that this part has been put in; where the employer is able to correct certain hazardous conditions of the employe, he will be able to insure under the Workmen's Compensation Act. There have only been a few amendments made to this bill. I ask the members of the House to go along with this bill.

Mr. SHEPARD. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Allegheny, Mr. Kobelak, permit himself to be interrogated?

Mr. KOBELAK. Mr. Speaker, I will.

Mr. SHEPARD. Mr. Speaker, under the amendment to the present law, will it not be possible for the State Insurance company or the Compensation Board to reject risks upon the same basis that private insurance companies reject risks for similar reasons?

Mr. KOBELAK. Yes, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, a great many private insurance companies will reject risks merely on the basis of color or race. Will the State Insurance Board be permitted to reject them for the same reason?

Mr. KOBELAK. Mr. Speaker, I am sure they would not, in the first place because the basis of race, color or creed would be unconstitutional.

Mr. SHEPARD. Mr. Speaker, it certainly is not unconstitutional for a private insurance company to reject a risk on the basis of race, religion, or color, and if this is giving the State Insurance Board the same power, then, of course, it would be possible for the State to do it.

Mr. KOBELAK. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. Shepard, they never have used that particular thing at all. They probably used some other reason; not race or color.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman from Allegheny if he would not permit this bill to go over in its order, because of the fact that under the present conditions there may be enough liberal sentiment in the state of Pennsylvania to bank on the fact that such a thing may not happen, but, of course, things we think won't happen sometimes do happen. I would like to have a thorough understanding about this matter, and I am sure that if the matter is properly adjusted we would not oppose it. If the gentleman would permit it to go over until next week, we can get some information about ir from the insurance companies and from the Attorney General's office, to see just what will be the effect of such an amendment.

Mr. KOBELAK. Mr. Speaker, in answer to the gentleman from Philadelphia, I am really surprised that he should take that side of the question, for the reason that if anyone has been very liberal about color or race it has certainly been this administration. This administration has appointed for the first time since the inception of this Commonwealth a colored Referee in the city of Pittsburgh and also a colored Assistant Deputy Attorney General for the State of Pennsylvania. I do not see why the gentleman should be afraid about the race question in connection with this bill.

Mr. SHEPARD. Mr. Speaker, I may say that what the gentleman says is perfectly true, but we are not legislating merely for this administration. This is to become an important law upon the statute books of the Commonwealth of Pennsylvania, and while we may have some assurance because of the present administration, we don't know how long this administration is going to last. I hope it will last forever, but we do not know that, and in order to be prepared for any eventualities, it may not be necessary to have any amendments. I am just asking that we may have time to look over that point, if the gentleman will permit this bill to go over in its regular order until next week.

Mr. KOBELAK. Mr. Speaker, I ask that this bill be passed over in its order until the objection is straightened out.

The SPEAKER. The bill will be passed over in its order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2126, entitled:

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies; and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proprotionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and

giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such order, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring open bidding on certain contracts of public service companies having the power of eminent domain.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. PFAFF. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1122, entitled:

An Act to amend section fifty-one of the act approved the thirty-first day of March, one thousand eight hundred sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth," by changing the fines and penalgo over in order.

And said bill having been read the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. SOWERS. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—111

Achterman,	Davies,	Kelso,	Patterson, J. W.,
Alexander,	Decker,	Kilroy,	Perry,
Allen,	Dent,	Kinney,	Pfaff,
Arnold,	Diehl,	Klingler,	Phillips,
Aukerman,	Dilley,	Kobelak,	Piole,
Baine,	Downey, J. J.,	LaRue,	Powers,
Baker, J J.,	Eberharter,	Long,	Reising,
Barber,	Falkenstein,	Lovett,	Reynolds,
Boyer,	Finnerty,	Lynch,	Rhys,
Bradley,	Fitch,	Male,	Ruth,
Brancato,	Flanagan,	McCreary,	Sarraf,
Brennan,	Flinchbaugh,	McDermott,	Schrock,
Brown, H. S.,	Furman,	McElroy,	Schrope,
Brown, J. E.,	Gerard,	McHenry,	Schwab,
Brownfield,	Gillette,	Melchiorre,	Shaw,
Brumbaugh,	Habbyshaw,	Mentzer,	Shepard,
Burke,	Haberlen,	Moomaw,	Shreiner,
Cannon,	Hagerty,	Mooney,	Shugarts,
Caputo,	Haluska,	Moran,	Siegel,
Carson,	Hamilton, F. P.,	Moul,	Simon,
Chervenak,	Harkins,	Munley,	Simpson,
Coakley,	Harmuth,	Murrin,	Sinwell
Cochran,	Hetrick,	Nagel,	Smith, J. A.,
Cohen,	Hindman,	O'Keefe,	Smith, W. G.,
Coleman,	Hirsh,	Ominsky,	Tumelty,
Condon,	Holstrom,	O'Neill,	Woodside,
Coolahan,	Jones,	Panton,	Yourishin,
Cordier,	Kane,	Patterson, C.,	Zappala,

NAYS—44

Altenburg,	Hart,	Muir,	Tahl,
Baker, F. T.,	Hefferon,	Nothnagle,	Terry,
Baldi,	Hermansen,	Peters,	Turner,
Barnhardt,	Hoffner,	Root,	Van Allsburg,
Bernhard,	Hoopes,	Shortz,	Wall,
Blumberg,	Horst,	Sloan,	Wasserman,
Boyd, R.,	Jackson,	Snyder, F. E.,	Weidemann,
Conner,	Kelder,	Snyder, J. L.,	White,
Duffort,	Linderman,	Sowers,	Wickersham,
Ferko,	Mason,	Spangler,	Winner,
Green,	McKinney,	Sproul,	Zimmerman,
Hamilton, R. S.,	Moore,	Stewart,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. WITKIN.

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I note that a number of men are leaving, believing that it will not be necessary for this House to meet tomorrow. No one knows better than I how unpopular it is for one to stand here and point out to you the necessity of having a session tomorrow particularly those who have made arrangements by reason of the belief that there is no necessity for a session. I have just been in consultation with a number of gentlemen from the Senate. The Senate is going to meet tomorrow at 10 o'clock in the morning for the purpose of finally passing a number of tax measures that have been agreed upon. It is highly important that this House does not appear in the position of delaying the final passage of that part of the tax program irrespective of whether we are for or against the particular taxes. We all ought to be there either to concur in or non-concur in the amendments made by the Senate. The bills will come over here with amendments, and action of the House will be necessary and I therefore suggest that we do not adjourn for the week and I urge upon the membership of the House because it is of vital importance that we be here to vote upon these measures.

I want to state in that connection, in order that I may

not be misconstrued, that that does not mean that the Republican membership of the House are for or against any particular amendment. I merely make the statement because of the fact and in the interest of the fact that we all ought to be here to consider them, and it would be a reflection upon this House were the Senate to pass the measures and we were not here to concur or non-concur in the amendments. I make this statement reluctantly because I do not want to be personally responsible for forcing a session tomorrow, but I think it is of the utmost important.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2398, entitled:

An Act to amend section three hundred twenty of article three of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds Associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws, by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commission and providing penalties for neglecting to furnish the same.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—155

Achterman,	Eberharter,	McDevitt,	Simpson,
Allen,	Falkenstein,	McElroy,	Sinwell,
Andrews,	Ferko,	McHenry,	Sloan,
Arnold,	Finnerty,	McKinney,	Smith, J. A.,
Atkins,	Fitch,	Melchiorre,	Smith, W. G.,
Aukerman,	Flanagan,	Mentzer,	Snyder, F. E.,
Baine,	Flinchbaugh,	Moomaw,	Snyder, J. L.,
Baker, F. T.,	Forrest,	Mooney,	Sowers,
Baker, J J.,	Furman,	Moore,	Spangler,
Baldi,	Gates,	Moran,	Sproul,
Barnhardt,	Gerard,	Moul,	Stank,
Bernhard,	Gillette,	Muir,	Stevens,
Blumberg,	Green,	Munley,	Stewart,
Boose,	Habbyshaw,	Murrin,	Stockham,
Boyd, R.,	Haberlen,	Nagel,	Sumney,
Boyer,	Hagerty,	Nothnagle,	Surface,
Brancato,	Hamilton, R. S.,	O'Keefe,	Terry,
Brown, J. E.,	Harkins,	Ominsky,	Tronzo,
Brownfield,	Harmuth,	O'Neill,	Tumelty,
Burke,	Hermansen,	Panton,	Turner,
Cannon,	Hetrick,	Parks,	Van Allsburg,
Caputo,	Holstrom	Patterson, C.,	Van Sickle,
Carson,	Hoopes,	Patterson, J. W.,	Wall,
Castor,	Horst,	Perry,	Wasserman,
Chervenak,	Kelder,	Pfaff,	Weidemann,
Cochran,	Kelso	Phillips,	Weiss,
Cohen,	Kilroy,	Piole,	Welliver,
Coleman,	Kinney,	Powers,	Welsh,
Condon,	Klingler,	Rhys,	Westrick,
Conner,	Kobelak,	Roan,	White,
Coolahan,	LaRue,	Root,	Wickersham,
Cordier,	Linderman	Ruth,	Winner,
Davies,	Long,	Sarraf,	Witkin,
Decker,	Lovett,	Schrock,	Wood,
Denning,	Lynch,	Shepard,	Woodside,
Dent,	Male,	Shortz,	Yeakel,
Dilley,	Mason,	Shreiner,	Zappala,
Downey, J. J.,	McCreary,	Siegel,	Sarig,
Duffort,	McDermott,	Simon,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2402, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—155

Achterman,	Dilley,	Mason,	Shortz,
Alexander,	Downey, J. J.,	McDermott	Shreiner,
Allen,	Duffort,	McDevitt,	Shugarts,
Altenburg,	Eberharter,	McElroy,	Siegel,
Andrews,	Ferko,	McHenry,	Simon,
Arnold,	Finnerty,	McKinney,	Sinwell,
Aukerman,	Fitch,	Melchiorre	Sloan,
Baine,	Flinchbaugh,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Forrest,	Moomaw,	Smith, W. G.,
Baker, J J.,	Furman,	Mooney,	Snyder, F. E.,
Baldi,	Gates,	Moore,	Snyder, J. L.,
Barnhardt,	Gillette,	Moul,	Sowers,
Bernhard,	Green,	Muir,	Sproul,
Blumberg,	Habbyshaw,	Munley,	Stank,
Boose,	Haberlen,	Murrin,	Stevens,
Boyd, R.,	Hagerty,	Nagel,	Stewart,
Boyer,	Haluska,	Nothnagle	Stockham,
Brancato,	Hamilton, F. P.,	O'Keefe,	Surface,
Brown, H. S.,	Hamilton, R. S.,	Ominsky,	Terry,
Brown, J. E.,	Harmuth,	O'Neill,	Tronzo,
Brownfield,	Hartman,	Panton,	Tumelty,
Brumbaugh,	Hermansen,	Parks,	Turner,
Burke,	Hetrick,	Patterson, C.,	Van Allsburg,
Cannon,	Hindman,	Patterson, J. W.,	Wall,
Caputo,	Hirsch,	Perry,	Wasserman,
Carson,	Holstrom,	Pfaff,	Weidemann,
Castor,	Hoopes,	Phillips,	Weiss,
Coakley,	Jones,	Powers,	Welliver,
Cochran,	Kelder,	Reynolds,	Westrick,
Cohen,	Kelso,	Rhys,	White,
Coleman,	Kilroy,	Roan,	Wickersham,
Condon,	Kinney,	Root,	Winner,
Coolahan,	Klingler,	Ruth,	Witkin,
Cordier,	Kobelak,	Sarraf,	Wood,
Davies,	LaRue,	Schrock,	Woodside,
Decker,	Long,	Schwab,	Yeakel,
Denning,	Lovett,	Schwartz,	Zappala,
Dent,	Male,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2300, entitled:

A Supplement to the act approved the eighth day of May, one thousand eight hundred and eighty-nine (P. L. 136), entitled "An act to amend an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the incorporation and regulation of electric light, heat and power companies," by granting to every corporation heretofore or hereafter incorporated for the supply of light, heat and power, or any of them to the public by electricity, and to every corporation which has heretofore accepted the provisions of said amendment, enlarged power to appropriate property, situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles, or their supports, and other appurtenances, or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways, request temporary or permanent relocation, change or alteration of or in any pole line facilities of any such company; and providing a method for the assessment of damages arising from such appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—155

Achterman,	Downey, J. J.,	Male,	Shepard,
Alexander,	Duffort,	Mason,	Shortz,
Allen,	Eberharter,	McDermott,	Shreiner,
Altenburg,	Falkenstein,	McDevitt,	Shugarts,
Arnold,	Ferko,	McElroy,	Siegel,
Atkins,	Finnerty,	McHenry,	Simon,
Aukerman,	Fitch,	McKinney,	Sinwell,
Baine,	Flanagan,	Melchiorre,	Sloan,
Baker, F. T.,	Flinchbaugh,	Mentzer,	Smith, J. A.,
Baldi,	Forrest,	Moomaw,	Smith, W. G.,
Barber,	Furman,	Moore,	Snyder, F. E.,
Barnhardt,	Gerard,	Moran,	Snyder, J. L.,
Bernhard,	Gillette,	Moul,	Sowers,
Blumberg,	Green,	Munley,	Spangler,
Boose,	Habbyshaw,	Murrin,	Stank,
Boyd, R.,	Haberlen,	Nagel,	Stevens,
Bradley,	Hagerty,	Nothnagle,	Stewart,
Brancato,	Hamilton, F. P.,	O'Keefe,	Stockham,
Brown, H. S.,	Hamilton, R. S.,	Ominsky,	Sumney,
Brown, J. E.,	Harkins,	O'Neill,	Surface,
Brownfield,	Harmuth,	Panton,	Tronzo,
Brumbaugh,	Hart,	Parks,	Tumelty,
Burke,	Hartman,	Patterson, C.,	Turner,
Cannon,	Hermansen,	Patterson, J. W.,	Van Allsburg,
Caputo,	Hindman,	Perry,	Van Sickle,
Carson,	Hirsch,	Pfaff,	Wall,
Chervenak,	Holstrom,	Phillips,	Weidemann,
Coakley,	Hoopes,	Piole,	Weiss,
Cochran,	Horst,	Powers,	Welliver,
Cohen,	Jones,	Reising,	Welsh,
Coleman,	Kelder,	Rhys,	Westrick,
Conner,	Kelso,	Roan,	Wickersham,
Coolahan,	Kinney,	Root,	Winner,
Cordier,	Klingler,	Ruth,	Witkin,
Davies,	Kobelak,	Sarraf,	Wood,
Decker,	LaRue,	Schrock,	Woodside,
Denning,	Linderman,	Schrope,	Yeakel,
Dent,	Long,	Schwab,	Zappala,
Dilley,	Lovett,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 618, entitled:

An Act to authorize boroughs and townships of the first class to sue out writs of scire facias on certain tax liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—155

Achterman,	Downey, J. J.,	Mason,	Shepard,
Allen,	Duffort,	McDermott,	Shortz,
Altenburg,	Eberharter,	McDevitt,	Shugarts,
Andrews,	Falkenstein,	McElroy,	Siegel,
Arnold,	Ferko,	McHenry,	Simon,
Atkins,	Finnerty,	McKinney,	Simpson,
Aukerman,	Flanagan,	Melchiorre,	Sinwell,
Baker, F. T.,	Flinchbaugh,	Mentzer,	Smith, J. A.,
Baker, J J.,	Furman,	Moomaw,	Smith, W. G.,
Baldi,	Gates,	Moore,	Snyder, F. E.,
Barber,	Gerard,	Moran,	Snyder, J. L.,
Barnhardt,	Green,	Moul,	Sowers,
Bernhard,	Habbyshaw,	Muir,	Spangler,
Blumberg,	Haberlen,	Munley,	Sproul,
Boose,	Haluska,	Murrin,	Stank,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stevens,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Sumney,
Brancato,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Terry,
Brown, J. E.,	Hartman,	Parks,	Tronzo,
Brumbaugh,	Hetrick,	Patterson, C.,	Tumelty,
Burke,	Hindman,	Patterson, J. W.,	Turner,
Cannon,	Hirsch,	Perry,	Van Sickle,
Caputo,	Holstrom,	Pfaff,	Wall,
Castor,	Hoopes,	Phillips,	Wasserman,
Chervenak,	Horst,	Piole,	Weidemann,
Coakley,	Jones,	Powers,	Weiss,
Cochran,	Kelder,	Reising,	Welliver,
Cohen,	Kelso,	Reynolds,	Welsh,
Coleman,	Kilroy,	Roan,	White,
Condon,	Klingler,	Root,	Wickersham,
Conner,	Kobelak,	Ruth,	Winner,
Coolahan,	LaRue,	Sarraf,	Witkin,
Cordier,	Linderman,	Schrock,	Wood,
Decker,	Long,	Schrope,	Woodside,
Denning,	Lovett,	Schwab,	Zappala,
Dent,	Lynch,	Schwartz,	Sarig,
Dilley,	Male,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2537, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by authorizing insurance companies associations and exchanges to apply for and obtain insurance of mortgages and to make further investments of capital reserve and surplus funds pursuant to the National Housing Act by adding a new section

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred four five hundred seventeen and six hundred two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" are hereby amended or further amended as the case may be to read as follows

Section 404 Investment of Capital and Reserve A sum equal to the capital and reserves of any stock or mutual life insurance company organized under the laws of this Commonwealth shall be invested as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United States or District of Columbia or Canada or of any State or Territory of the United States and in farm loan bonds issued by Federal Land Banks

(c) In legally authorized bonds notes warrants or obligations of any city town county borough township municipality school district poor district or water sewer drainage road or other government district or division located in this Commonwealth or in any State of the United States.

(d) In ground-rents and in loans upon unencumbered real estate in any State of the United States or the District of Columbia Provided That no loan shall exceed sixty per centum of the fair market value thereof at the time of such loan And provided further That the limitation herein prescribed in respect to the percentage of the fair market value of the property upon which an insurance company may make loans shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the national Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

(e) In debentures issued by the Federal Housing Administrator in settlement of claims for insurance pursuant to title two of the National Housing Act

(f) In securities of national mortgage associations or similar national mortgage credit institutions now or hereafter organized under title three of the National Housing Act

[(e)] (g) In loans upon the security of its own policies not exceding the net value of the policy at the time of making the loan

[(f)] (h) In first encumbrances upon standard steam railroads street or interurban railways or upon their rolling stock equipment or of water gas or other public utility companies or bonds issued to retire a prior debt or bonds pror thereto or in other bonds or notes of the above named corporations upon which no default in interest exists at the time of purchase The Insurance Commissioner may permit any company to invest sufficient of its capital and reserves in the securities of a foreign government in order to enable it to comply with the laws of such foreign government and transact business therein

Nothing herein contained shall be so construed as to prevent any such company from acquiring or holding property taken in reorganization or foreclosure proceedings or which may be obtained in satisfaction of any debt previously contracted

Section 517 Investment of Capital The capital of any stock fire stock marine or stock fire and marine insurance company of this Commonwealth shall be invested only as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United States or District of Columbia or of the State Territory of the United States or Canada and in farm loan bonds issued by Federal Land Banks

(c) In the legally authorized bonds or notes of any city county township municipality school or water district of this Commonwealth or of any other State or Territory of the United States or Canada

(d) In the bonds or notes of any solvent railroad or street railway corporations upon which no default in interest has been made

(e) In ground-rents and loans upon improved and unencumbered real estate No loan on such real estate shall exceed sixty-six and two-thirds per centum (66-2/3%) of the fair market value thereof at the time of making such loan Provided That the limitation herein prescribed in respect to the percentage of the fair market value of the property upon which an insurance company may make loans shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

(f) In debentures issued by the Federal Housing Administrator in settlement of claims for insurance pursuant to title two of the National Housing Act

(g) In securities of national mortgage associations or similar national mortgage credit institutions now or hereafter organized under title three of the National Housing Act

[(f)] (h) Any such company which has one million dollars of capital and one million dollars of surplus may invest in the capital of any like company organized under the laws of the Commonwealth or the laws of any of the United States solely to transact the same class of business in countries outside of the United States Such investment shall be limited to an amount not exceeding thirty-per centum of the par value of the capital stock of the investing company

[(g)] (i) The Insurance Commissioner may permit any such company to invest sufficient of its reserves in the securities of a foreign government in order to enable it to comply with the laws of such foreign government and transact business therein

Section 602 Investment of Capital Every domestic stock casualty insurance company shall invest and keep invested in sound income-bearing securities all its capital and funds of every description excepting such cash as may be required in the transaction of its business and such as it may invest in real estate as hereinafter authorized The capital of every such company shall be invested as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United State or District of Columbia or of any State or Territory of the United States or Canada and in farm loan bonds issued by Federal Land Banks

(c) In the legally authorized bonds or notes of any city or county township municipality school or water district of this Commonwealth or of any other State or Territory of the United States or Canada

(d) In the bonds or notes of any solvent railroad or

street railway corporation upon which no default in interest has been made

(e) In ground-rents and loans upon improved and unencumbered real estate Provided That no loan on such real estate shall exceed sixty-six and two-thirds per centum (66-2/3%) of the fair market value thereof at the time of making such loan And provided further That the limitation herein prescribed in respect to the percentage of the fair market value of the property upon which an insurance company may make loans shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

(f) In debentures issued by the Federal Housing Administrators in settlement of claims for insurance pursuant to title two of the National Housing Act

(g) In securities of national mortgage associations or similar national mortgage credit institutions nor or hereafter organized under title three of the National Housing Act

[(f)] (h) Any such company which has one million dollars of capital and one million dollars of surplus may invest in the capital of any like company organized under the laws of this Commonwealth or of the laws of any of the United States solely to transact the same class of business in countries outside of the United States Such investment shall be limited to an amount not exceeding thirty per centum of the par value of the capital stock of the investing company

Section 2 That at the end of article three of said act the following new section is hereby added

Section 355 Companies Authorized to Apply for and Obtain Insurance of Mortgages Insurance companies associations and exchanges are authorized to make application for and obtain insurance of mortgages as provided by he National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—155

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Falkenstein,	McDermott,	Shepard,
Allen,	Ferko,	McDevitt,	Shortz,
Altenburg,	Finnerty,	McElroy,	Shreiner,
Andrews,	Fitch,	McKinney,	Shugarts,
Arnold,	Flanagan,	Melchiorre,	Simon,
Atkins,	Flinchbaugh,	Mentzer,	Simpson,
Aukerman,	Forrest,	Moomaw,	Sinwell,
Baine,	Furman,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gates,	Moore,	Smith, W. G.,
Baker, J J.,	Gerard,	Moran,	Snyder, F. E.,
Baldi,	Gillette,	Moul,	Sowers,
Barber,	Green,	Muir,	Spangler,
Barnhardt,	Habbyshaw,	Munley,	Sproul,
Bernhard,	Haberlen,	Murrin,	Stank,
Blumberg,	Hagerty,	Nagel,	Stewart,
Boose,	Haluska,	Nothnagle,	Stockham,
Boyd, R.,	Hamilton, F. P.,	O'Keefe,	Sumney,
Boyer,	Hamilton, R. S.,	Ominsky,	Surface,
Bradley,	Harkins,	O'Neill,	Turner,
Brancato,	Harmuth,	Panton,	Van Allsburg,
Brumbaugh,	Hart,	Parks,	Van Sickle,
Burke,	Hartman,	Patterson, C.,	Wall,
Caputo,	Hermansen,	Patterson, J. W.,	Wasserman,
Carson,	Hetrick,	Perry,	Weidemann,
Castor,	Hindman,	Pfaff,	Weiss,
Chervenak,	Hirsch,	Phillips,	Welliver,
Cochran,	Holstrom,	Piole,	Welsh,
Cohen,	Hoopes,	Reynolds,	Westrick,
Coleman,	Horst,	Rhys,	White,
Conner,	Kelser,	Roan,	Wickersham,
Coolahan,	Kilroy,	Root,	Winner,
Cordier,	Kinney,	Ruffennach,	Witkin,
Davies,	Klingler,	Ruth,	Wood,
Decker,	Kobelak,	Sarraf,	Woodside,
Dent,	LaRue,	Schrock,	Yeakel,
Dilley,	Long,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Sarig,
Duffort,	Male,	Schwartz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2395, entitled:

An Act to repeal the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws one thousand ten) entitled "An act authorizing the merger and consolidation of water or water power companies organized prior to the first day of April one thousand nine hundred and five and providing the manner in which such merger shall be effected" and its amendment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—107

Achterman,	Dent,	Long,	Schwab,
Alexander,	Dilley,	Lovett,	Shaw,
Andrews,	Downey, J. J.,	Male,	Shepard,
Arnold,	Eberharter,	McCreary,	Shugarts,
Aukerman,	Falkenstein,	McDermott,	Siegel,
Baine,	Finnerty,	Melchiorre,	Simon,
Baker, J J.,	Flanagan,	Mentzer,	Simpson,
Baldi,	Furman,	Moomaw,	Sinwell,
Boose,	Gates,	Mooney,	Smith, J. A.,
Boyd, R.,	Gerard,	Moran,	Smith, W. G.,
Boyer,	Haberlen,	Munley,	Snyder, F. E.,
Bradley,	Hagerty,	Murrin,	Stank,
Brancato,	Haluska,	Nagel,	Stevens,
Brown, H. S.,	Hamilton, F P.,	O'Keefe,	Stewart,
Brown, J. E.,	Harkins,	Ominsky,	Sumney,
Brownfield,	Hetrick,	O'Neill,	Surface,
Brumbaugh,	Hindman,	Panton,	Tronzo,
Burke,	Hirsch,	Patterson, C.,	Tumelty,
Cannon,	Holstrom,	Patterson, J. W.,	Van Allsburg,
Caputo,	Hoopes,	Pfaff,	Van Sickle,
Chervenak,	Horst,	Piole,	Wasserman,
Coakley,	Kelso,	Powers,	Weiss,
Cochran,	Kilroy,	Reising,	Welliver,
Cohen,	Kinney,	Ruth,	Welsh,
Coleman,	Klingler,	Sarraf,	Westrick,
Coolahan,	Kobelak,	Schrock,	Sarig,
Decker,	LaRue,	Schrope,	

NAYS—34

Allen,	Green,	Perry,	Wall,
Baker, F. T.,	Habbyshaw,	Phillips,	Weidemann,
Blumberg,	Hamilton, R. S.,	Reynolds,	White,
Brennan,	Hefferon,	Rhys,	Wickersham,
Conner,	Kelder,	Root,	Winner,
Davies,	Linderman	Snyder, J. L.,	Wood,
Denning,	Moore,	Sproul,	Woodside,
Duffort,	Muir,	Turner,	Zimmerman,
Ferko,	Nothnagle,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2391, entitled:

An Act to amend section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred fifty-one) entitled "An act authorizing the sale assignment disposition transfer and conveyance of the franchises and of the property real personal and mixed of any water or power water companies organized prior to the first day of April one thousand nine hundred and five to another water or water power company also organized prior to the first day of April one thousand nine hundred and five and providing the manner in which said sale and purchase shall be effected" by eliminating the proviso relating to the acceptance of the provisions of the act approved the thirteenth day of April one thousand nine hundred and five (Pamphlet Laws one hundred fifty-two)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—129

Baine,	Haberlen,	McDermott,	Sarraf,
Boose,	Hagerty,	McDevitt,	Schrock,
Brown, H. S.,	Haluska,	McElroy,	Schrope,
Brown, J. E.,	Hamilton, F. P.,	McHenry,	Schwab,
Brownfield,	Hamilton, R. S.,	Melchiorre,	Shaw,
Brumbaugh,	Harkins,	Mentzer,	Shepard,
Burke,	Harmuth,	Moomaw,	Shortz,
Cannon,	Hartman,	Mooney,	Shugarts,
Chervenak,	Hefferon,	Moran,	Siegel,
Coakley,	Hermausen,	Moul,	Simon,
Cochran,	Hetrick,	Munley,	Simpson,
Cohen,	Hindman,	Murrin,	Sinwell,
Coleman,	Hirsch,	Nagel,	Sloan,
Coolahan,	Hoffner,	O'Keefe,	Smith, J. A.,
Dent,	Holstrom,	Ominsky,	Smith, W. G.,
Diehl,	Hoopes,	O'Neill,	Snyder, F. E.,
Dilley,	Horst,	Panton,	Snyder, J. L.,
Duffort,	Jackson,	Patterson, C.,	Stank,
Eberharter,	Jones,	Patterson, J. W.,	Stevens,
Falkenstein,	Kane,	Pearson,	Sumney,
Ferko,	Kelso,	Pfaff,	Surface,
Finnerty,	Kilroy,	Phillips,	Terry,
Fitch,	Kinney,	Piole,	Tronzo,
Flanagan,	Klingler,	Powers,	Trout,
Flinchbaugh,	Kobelak,	Reising,	Tumelty,
Furman,	LaRue,	Reynolds,	Van Sickle,
Gates,	Long,	Rhys,	Welsh,
Gerard,	Lovett,	Roan,	Yourishin,
Gillette,	Lynch,	Root,	Zappala,
Green,	Male,	Ruffennach,	Sarig,
Habbyshaw,	McCreary,	Ruth,	

NAYS—22

Allen,	Conner,	McKinney,	Sproul,
Baker, F. T.,	Cordier,	Moore,	Stewart,
Baldi,	Forrest,	Muir,	Turner,
Blumberg,	Kelder,	Nothnagle,	White,
Boyd, R.,	Linderman,	Peters,	Wood,
Boyer,	Mason,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2212 as follows

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class and providing when liability on such bond shall cease

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith as amended by section twenty-one of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred fifty-two) is hereby further amended to read as follows

Section 550 (a) Every person appointed or elected collector of school taxes in any school district of the second third or fourth class in this Commonwealth in addition to any bonds that he may now be required by law to give and before receiving his tax duplicate and warrant to collect said school taxes shall furnish to the school district a proper bond in an amount to be fixed by the board of school directors with such surety or sureties as it may approve conditioned upon the faithful performance of his duties as such tax collector

(b) In lieu of furnishing such a bond the tax collector may file his own collateral bond in such amount as may be required by the board of school directors secured by an actual deposit with the board of school directors or with any bank or trust company within the Commonwealth which may be agreed upon of any of the securities which depositories may use to secure the deposit of school funds as herein provided The total market value of the securities thus deposited shall equal the amount of the collateral bond Such collateral bond shall be conditioned upon the faithful performance of his duties as tax collector The securities thus deposited shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond The securities shall be accompanied by a proper assignment or power of attorney for their transfer Such trust deposit in the event of any depreciation in its value shall be maintained upon request in writing of the board of school directors at the amount provided herein The board of school directors may permit the tax collector to substitute for any one or more bonds or obligations included in any such securities other bonds or obligations as long as the new securities meet the requirements of this act

(c) In school districts of the second class the board of school directors may in lieu of a surety bond accept a fidelity bond conditioned upon the accounting for and payment over of all moneys received by him as taxes and the accounting for all tax items contained in his duplicate which remain uncollected The tax collector and his sureties shall be discharged from further liability on any bond as soon as all tax items contained in the duplicate are either (1) collected and paid over or (2) certified to the board of school directors for entry as liens in the office of the prothonotary or (3) returned to the county commissioners for sale or (4) the tax collector is exonerated from the collection thereof

(d) In case any person elected or appointed tax collector shall fail to furnish a proper bond with the proper

sureties or securities within fifteen days after his appointment or notice so to do then in any such case the board of school directors shall appoint another suitable person as collector of the school taxes in said district in his place and stead who upon giving the proper bond with the proper sureties or securities required by the provisions of this act shall be the duly authorized person to collect the school taxes in said district for the ensuing school year

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOLSTROM. Mr. Speaker, I would like to have the sponsor of this bill just explain it.

Mr. AUKERMAN. Mr. Speaker, the provisions of this bill provide that a fidelity bond may be accepted by school districts of the second class in lieu of a surety bond. At the present time a surety bond is required in the City of Altoona which I represent. It means a premium of about $4,000 a year on a surety bond, providing that the tax collector will collect one hundred per cent of the tax duplicate. Under present conditions this is impossible. Therefore, when it comes to a point where the collector can no longer collect any more of the duplicate the school district is forced to exonerate him from the balance of the uncollected duplicate, or else the insurance company will not renew his bond. Therefore, school districts must accept these terms and exonerate the uncollected portion of the duplicate, and therefore his surety bond is not valid. Under the provisions of this act, a fidelity bond, guaranteeing the faithful performance of his duty, may be accepted in lieu of a surety bond. This is not a mandatory measure but is purely an enabling act. I ask the members of the House to support it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken as follows, viz:

YEAS—173

Achterman,	Duffort,	Male,	Shepard,
Alexander,	Eberharter,	Mason,	Shortz,
Allen,	Falkenstein,	McCreary,	Shreiner,
Altenburg,	Ferko,	McDermott,	Shugarts,
Andrews,	Finnerty,	McDevitt,	Siegel,
Arnold,	Fitch,	McElroy,	Simon,
Atkins,	Flanagan,	McHenry,	Simpson,
Baine,	Flinchbaugh,	McKinney,	Sinwell,
Baker, F. T.,	Forrest,	Melchiorre,	Sloan,
Baker, J. J.,	Furman,	Mentzer,	Smith, J. A.,
Baldi,	Gates,	Moomaw,	Smith, W. G.,
Barber,	Gerard,	Mooney,	Snyder, F. E.,
Barnhardt,	Gillette,	Moore,	Snyder, J. L.,
Bernhard,	Green,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brown, H. S.,	Harkins,	Ominsky,	Sumney,
Brown, J. E.,	Harmuth,	O'Neill,	Surface,
Brownfield,	Hart,	Panton,	Terry,
Brumbaugh,	Hartman,	Parks,	Tronzo,
Burke,	Hermansen,	Patterson, C.,	Tumelty,
Cannon,	Hetrick,	Patterson, J. W.,	Turner,
Caputo,	Hindman,	Perry,	Van Allsburg,
Carson,	Hirsch,	Pfaff,	Van Sickle,
Castor,	Holstrom,	Phillips,	Wall,
Chervenak,	Hoopes,	Piole,	Wasserman,
Coakley,	Horst,	Powers,	Weiss,
Cochran,	Jones,	Reising,	Weilliver,
Cohen,	Kelder,	Reynolds,	Welsh,
Coleman,	Kelso,	Rhys,	Westrick,
Condon,	Kilroy,	Roan,	White,
Conner,	Kinney,	Root,	Wickersham,
Coolahan,	Klingler,	Ruffennach,	Winner,
Cordier,	Kobelak,	Ruth,	Witkin,
Davies,	LaRue,	Sarraf,	Wood,
Decker,	Linderman,	Schrock,	Woodside,
Denning,	Long,	Schrope,	Yeakel,
Dent,	Lovett,	Schwab,	Zappala,
Dilley,	Lynch,	Shaw,	Sarig,
Downey, J. J.,			

NAYS—2

Nothnagle, Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2297, entitled:

A Supplement to an act approved the second day of July, one thousand eight hundred ninety-five (P. L. 425), entitled "An act granting to water power companies, and other corporations owning or controlling water power, authority to develop and distribute electric power by means of their water power, and to erect, construct and maintain the necessary buildings, plant and apparatus for that purpose," by granting to every corporation heretofore organized or hereafter to be organized for the purpose of supplying water power to the public, enlarged power to appropriate property situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles or their supports and other appurtenances or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways requesting temporary or permanent relocation, change of alteration of, or in any pole line facilities of any such company and providing a method for the assessment of damages arising from such appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Downey, J. J.,	Male,	Shepard,
Alexander,	Duffort,	Mason,	Shortz,
Allen,	Eberharter,	McCreary,	Shreiner,
Altenburg,	Falkenstein,	McDermott,	Shugarts,
Andrews,	Ferko,	McDevitt,	Siegel,
Arnold,	Finnerty,	McElroy,	Simon,
Atkins,	Fitch,	McHenry,	Simpson,
Aukerman,	Flanagan,	McKinney,	Sinwell,
Baine,	Flinchbaugh,	Melchiorre,	Sloan,
Baker, F. T.,	Forrest,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Furman,	Moomaw,	Smith, W. G.,
Baldi,	Gates,	Mooney,	Snyder, F. E.,
Barber,	Gerard,	Moore,	Snyder, J. L.,
Barnhardt,	Gillette,	Moran,	Sowers,
Bernhard,	Green,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brown, H. S.,	Harkins,	Ominsky,	Surface,
Brown, J. E.,	Harmuth,	O'Neill,	Terry,
Brownfield,	Hart,	Panton,	Tronzo,
Brumbaugh,	Hartman,	Parks,	Tumelty,
Burke,	Hermansen,	Patterson, C.,	Turner,
Cannon,	Hetrick,	Patterson, J. W.,	VanAllsburg,
Caputo,	Hindman,	Perry,	VanSickle,

Carson,	Hirsch,	Pfaff,	Wall,
Castor,	Holstrom,	Phillips,	Wasserman,
Chervenak,	Hoopes,	Piole,	Weidemann,
Coakley,	Horst,	Powers,	Weiss,
Cochran,	Jones,	Reising,	Welliver,
Cohen,	Kelder,	Reynolds,	Welsh,
Coleman,	Kelso,	Rhys,	Westrick,
Condon,	Kilroy,	Roan,	White,
Conner,	Kinney,	Root,	Wickersham,
Coolahan,	Klinger,	Ruffennach,	Winner,
Cordier,	Kobelak,	Ruth,	Witkin,
Davies,	LaRue,	Sarraf,	Wood,
Decker,	Linderman,	Schrock,	Woodside,
Denning,	Long,	Schrope,	Yeakel,
Dent,	Lovett,	Schwab,	Zappala,
Dilley,	Lynch,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2490, entitled:

An Act to amend clauses six nine and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," opening the system further for original members; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the right of retired persons who return to State service; and providing for the payment out of accumulated deductions and annuities due, by the board in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Downey, J. J.,	Male,	Shepard,
Alexander,	Duffort,	Mason,	Shortz,
Allen,	Eberharter,	McCreary,	Shreiner,
Altenburg,	Falkenstein,	McDermott,	Shugarts,
Andrews,	Ferko,	McDevitt,	Siegel,
Arnold,	Finnerty,	McElroy,	Simon,
Atkins,	Fitch,	McHenry,	Simpson,
Aukerman,	Flanagan,	McKinney,	Sinwell,
Baine,	Flinchbaugh,	Melchiorre,	Sloan,
Baker, F. T.,	Forrest,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Furman,	Moomaw,	Smith, W. G.,
Baldi,	Gates,	Mooney,	Snyder, F. E.,
Barber,	Gerard,	Moore,	Snyder, J. L.,
Barnhardt,	Gillette,	Moran,	Sowers,
Bernhard,	Green,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brown, H. S.,	Harkins,	Ominsky,	Surface,
Brown, J. E.,	Harmuth,	O'Neill,	Terry,
Brownfield,	Hart,	Panton,	Tronzo,
Brumbaugh,	Hartman,	Parks,	Tumelty,
Burke,	Hermansen,	Patterson, C.,	Turner,
Cannon,	Hetrick,	Patterson, J. W.	VanAllsburg,
Caputo,	Hindman,	Perry,	VanSickle,
Carson,	Hirsch,	Pfaff,	Wall,
Castor,	Holstrom,	Phillips,	Wasserman,
Chervenak,	Hoopes,	Piole,	Weidemann,
Coakley,	Horst,	Powers,	Weiss,
Cochran,	Jones,	Reising,	Welliver,
Cohen,	Kelder,	Reynolds,	Welsh,
Coleman,	Kelso,	Rhys,	Westrick,
Condon,	Kilroy,	Roan,	White,
Conner,	Kinney,	Root,	Wickersham,
Coolahan,	Klinger,	Ruffennach,	Winner,
Cordier,	Kobelak,	Ruth,	Witkin,
Davies,	LaRue,	Sarraf,	Wood,
Decker,	Linderman,	Schrock,	Woodside,
Denning,	Long,	Schrope,	Yeakel,
Dent,	Lovett,	Schwab,	Zappala,
Dilley,	Lynch,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2794 (Senate Bill No. 888), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assessor collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Downey, J. J.,	Male,	Shepard,
Alexander,	Duffort,	Mason,	Shortz,
Allen,	Eberharter,	McCreary,	Shreiner,
Altenburg,	Falkenstein,	McDermott,	Shugarts,
Andrews,	Ferko,	McDevitt,	Siegel,
Arnold,	Finnerty,	McElroy,	Simon,
Atkins,	Fitch,	McHenry,	Simpson,
Aukerman,	Flanagan,	McKinney,	Sinwell,
Baine,	Flinchbaugh,	Melchiorre,	Sloan,
Baker, F. T.,	Forrest,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Furman,	Moomaw,	Smith, W. G.,
Baldi,	Gates,	Mooney,	Snyder, F. E.,
Barber,	Gerard,	Moore,	Snyder, J. L.,
Barnhardt,	Gillette,	Moran,	Sowers,
Bernhard,	Green,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O Keefe,	Sumney,
Brown, H. S.,	Harkins,	Ominsky,	Surface,
Brown, J. E.,	Harmuth,	O'Neill,	Terry,
Brownfield,	Hart,	Panton,	Tronzo,
Brumbaugh,	Hartman,	Parks,	Tumelty,
Burke,	Hermansen,	Patterson, C.,	Turner,
Cannon,	Hetrick,	Patterson, J. W.,	VanAllsburg,
Caputo,	Hindman,	Perry,	VanSickle,
Carson,	Hirsch,	Pfaff,	Wall,
Castor,	Holstrom,	Phillips,	Wasserman,
Chervenak,	Hoopes,	Piole,	Weidemann,
Coakley,	Horst,	Powers,	Weiss,
Cochran,	Jones,	Reising,	Welliver,
Cohen,	Kelder,	Reynolds,	Welsh,
Coleman,	Kelso,	Rhys,	Westrick,
Condon,	Kilroy,	Roan,	White,
Conner,	Kinney,	Root,	Wickersham,
Coolahan,	Klinger,	Ruffennach,	Winner,
Cordier,	Kobelak,	Ruth,	Witkin,
Davies,	LaRue,	Sarraf,	Wood,
Decker,	Linderman,	Schrock,	Woodside,
Denning,	Long,	Schrope,	Yeakel,
Dent,	Lovett,	Schwab,	Zappala,
Dilley,	Lynch,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1451, entitled:

An Act making it unlawful to disseminate certain propaganda or statements concerning the race color creed or manner of worship of others

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—167

Achterman,	Duffort,	Mason,	Shepard,
Alexander,	Eberharter,	McCreary,	Shortz,
Allen,	Falkenstein,	McDermott,	Shreiner,
Altenburg,	Ferko,	McDevitt,	Siegel,
Andrews,	Finnerty,	McElroy,	Simon,
Arnold,	Fitch,	McHenry,	Simpson,
Atkins,	Flanagan,	McKinney,	Sinwell,
Aukerman,	Flinchbaugh,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Sproul,
Bernhard,	Haberlen,	Muir,	Stank,
Blumberg,	Hagerty,	Munley,	Stevens,
Boose,	Haluska,	Murrin,	Stewart,
Boyd, R.,	Hamilton, R. S.,	Nagel,	Stockham,
Boyer,	Harkins,	Nothnagle,	Sumney,
Bradley,	Harmuth,	O'Keefe,	Surface,
Brancato,	Hart,	Ominsky,	Terry,
Brown, H. S.,	Hartman,	O'Neill,	Tronzo,
Brownfield,	Hermansen,	Panton,	Tumelty,
Burke,	Hetrick,	Parks,	Turner,
Cannon,	Hindman,	Patterson, C.,	VanAllsburg,
Caputo,	Hirsch,	Patterson, J. W.,	VanSickle,
Carson,	Holstrom,	Perry,	Wall,
Chervenak,	Hoopes,	Pfaff,	Wasserman,
Coakley,	Horst,	Phillips,	Weidemann,
Cochran,	Jones,	Piole,	Weiss,
Cohen,	Kelder,	Powers,	Welliver,
Coleman,	Kelso,	Reising,	Welsh,
Condon,	Kilroy,	Reynolds,	Westrick,
Conner,	Kinney,	Rhys,	White,
Coolahan,	Klinger,	Roan,	Wickersham,
Cordier,	Kobelak,	Root,	Winner,
Davies,	LaRue,	Ruffenbach,	Witkin,
Decker,	Linderman,	Ruth,	Wood,
Denning,	Long,	Sarraf,	Woodside,
Dent,	Lovett,	Schrope,	Yeakel,
Dilley,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Shaw,	Sarig,

NAYS—8

Brown, J. E.,	Castor,	Hamilton, F. P.,	Shugarts,
Brumbaugh,	Gates,	Schrock,	Spangler,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1832, entitled:

An Act to further amend section thirty-six of the act approved the eleventh day of May, one thousand nine hundred twenty-one (Pamphlet Laws, five hundred twenty-two), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by requiring all fines collected under the provisions of this act to be paid into the State Treasury through the Department of Revenue by the magistrate alderman, or justice of the peace collecting such fines.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—171

Achterman,	Downey, J. J.,	Lynch,	Shepard,
Alexander,	Duffort,	Male,	Shortz,
Allen,	Eberharter,	Mason,	Shreiner,
Altenburg,	Falkenstein,	McCreary,	Shugarts,
Andrews,	Ferko,	McDermott,	Siegel,
Arnold,	Finnerty,	McDevitt,	Simon,
Atkins,	Fitch,	McElroy,	Simpson,
Aukerman,	Flanagan,	McHenry,	Sinwell,
Baine,	Flinchbaugh,	McKinney,	Sloan,
Baker, J. J.,	Forrest,	Melchiorre,	Smith, J. A.,
Baldi,	Furman,	Mentzer,	Smith, W. G.,
Barber,	Gates,	Moomaw,	Snyder, F. E.,
Barnhardt,	Gerard,	Mooney,	Snyder, J. L.,
Bernhard,	Gillette,	Moore,	Sowers,
Blumberg,	Green,	Moran,	Spangler,
Boose,	Habbyshaw,	Moul,	Sproul,
Boyd, R.,	Haberlen,	Muir,	Stank,
Boyer,	Hagerty,	Munley,	Stevens,
Bradley,	Haluska,	Murrin,	Stewart,
Brancato,	Hamilton, F. P.,	Nagel,	Stockham,
Brown, H. S.,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brown, J. E.,	Harkins,	Ominsky,	Surface,
Brownfield,	Harmuth,	O'Neill,	Terry,
Brumbaugh,	Hart,	Panton,	Tronzo,
Burke,	Hartman,	Parks,	Tumelty,
Cannon,	Hermansen,	Patterson, C.,	Turner,
Caputo,	Hetrick,	Patterson, J. W.,	VanAllsburg,
Carson,	Hindman,	Perry,	VanSickle,
Castor,	Hirsch,	Pfaff,	Wall,
Chervenak,	Holstrom,	Phillips,	Wasserman,
Coakley,	Hoopes,	Piole,	Weiss,
Cochran,	Horst,	Powers,	Welliver,
Cohen,	Jones,	Reising,	Welsh,
Coleman,	Kelder,	Reynolds,	Westrick,
Condon,	Kelso,	Rhys,	White,
Conner,	Kilroy,	Roan,	Wickersham,
Coolahan,	Kinney,	Root,	Winner,
Cordier,	Klinger,	Ruffennach,	Witkin,
Davies,	Kobelak,	Ruth,	Wood,
Decker,	LaRue,	Sarraf,	Woodside,
Denning,	Linderman,	Schrope,	Yeakel,
Dent,	Long,	Schwab,	Zappala,
Dilley,	Lovett,	Shaw,	Sarig,

NAYS—4

Baker, F. T.,	Nothnagle,	Schrock,	Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2674, entitled:

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients, providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties", by providing for the boarding out of certain patients in State mental hospitals.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Downey, G. E.,	Male,	Shepard,
Alexander,	Duffort,	Mason,	Shortz,
Allen,	Eberharter,	McCreary,	Shreiner,
Altenburg,	Falkenstein,	McDermott,	Shugarts,
Andrews,	Ferko,	McDevitt,	Siegel,
Arnold,	Finnerty,	McElroy,	Simon,
Atkins,	Fitch,	McHenry,	Simpson,
Aukerman,	Flanagan,	McKinney,	Sinwell,
Baine,	Flinchbaugh,	Melchiorre,	Sloan,
Baker, F. T.,	Forrest,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Furman,	Moomaw,	Smith, W. G.,
Baldi,	Gates,	Mooney,	Snyder, F. E.,
Barber,	Gerard,	Moore,	Snyder, J. L.,
Barnhardt,	Gillette,	Moran,	Sowers,
Bernhard,	Green,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brown, H. S.,	Harkins,	Ominsky,	Surface,
Brown, J. E.,	Harmuth,	O'Neill,	Terry,
Brownfield,	Hart,	Panton,	Tronzo,
Brumbaugh,	Hartman,	Parks,	Tumelty,
Burke,	Hermansen,	Patterson, C.,	Turner,
Cannon,	Hetrick,	Patterson, J. W.,	Van Allsburg,
Caputo,	Hindman,	Perry,	Van Sickle,
Carson,	Hirsch,	Pfaff,	Wall,
Castor,	Holstrom,	Phillips,	Wasserman,
Chervenak,	Hoopes,	Piole,	Weidemann,
Coakley,	Horst,	Powers,	Weiss,
Cochran,	Jones,	Reising,	Welliver,
Cohen,	Kelder,	Reynolds,	Welsh,
Coleman,	Kelso,	Rhys,	Westrick,
Condon,	Kilroy,	Roan,	White,
Conner,	Kinney,	Root,	Wickersham,
Coolahan,	Klinger,	Ruffennach,	Winner,
Cordier,	Kobelak,	Ruth,	Witkin,
Davies,	LaRue,	Sarraf,	Wood,
Decker,	Linderman,	Schrock,	Woodside,
Denning,	Long,	Schrope,	Yeakel,
Dent,	Lovett,	Schwab,	Zappala,
Dilley,	Lynch,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2680, entitled:

A Supplement to the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder", providing for the inclusion of occupational diseases within the scope thereof; and providing definitions, provisions and procedure related to such diseases.

And said bill having been read the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. WITKIN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—130

Achterman,	Downey, J. J.,	Lovett,	Ruth,
Alexander,	Duffort,	Lynch,	Sarraf,
Allen,	Eberharter,	Male,	Schropc,
Andrews,	Falkenstein,	Mallen,	Schwab,
Arnold,	Ferko,	Mason,	Shaw,
Aukerman,	Finnerty,	McDermott,	Shepard,
Baine,	Fitch,	McHenry,	Shortz,
Baker, F. T.,	Flanagan,	Melchiorre,	Shugarts,
Baker, J J.,	Flinchbaugh,	Mentzer,	Siegel,
Barber,	Furman,	Moomaw,	Simon,
Bernhard,	Gates,	Mooney,	Sinwell,
Boyd, R.,	Gerard,	Moran,	Sloan,
Bradley,	Gillette,	Moul,	Smith, J. A.,
Brancato,	Haberlen,	Munley,	Smith, W. G.,
Brown, H. S.,	Hagerty,	Murrin,	Snyder, J. L.,
Brown, J. E.,	Haluska,	Nagel,	Stank,
Brownfield,	Hamilton, F. P.,	O'Keefe,	Stevens,
Brumbaugh,	Hamilton, R. S.	Ominsky,	Stewart,
Burke,	Harkins,	O'Neill,	Surface,
Cannon,	Harmuth,	Panton,	Tronzo,
Caputo,	Hartman,	Patterson, C.,	Trout,
Carson,	Hefferon,	Patterson, J. W.,	Tumelty,
Chervenak,	Hermansen,	Pearson,	Van Allsburg,
Coakley,	Hirsch,	Perry,	Van Sickle,
Cochran,	Holstrom,	Pfaff,	Weiss,
Cohen,	Hoopes,	Phillips,	Welliver,
Coleman,	Kelso,	Piole,	Welsh,
Coolahan,	Kilroy,	Powers,	Westrick,
Cordier,	Kinney,	Reising,	Witkin,
Davies,	Klingler,	Rhys,	Yourishin,
Decker,	Kobelak,	Roan,	Zappala,
Dent,	LaRue,	Root,	Zimmerman,
Dilley,	Long,	Ruffennach,	Sarig,

NAYS—27

Altenburg,	Habbyshaw,	Nothnagle,	Sumney,
Baldi,	Hart,	Schrock,	Wasserman,
Barnhardt,	Linderman,	Shreiner,	Weidemann,
Boose,	McCreary,	Simpson,	Wickersham,
Boyer,	McDevitt,	Snyder, F. E.,	Wood,
Brennan,	McKinney,	Sproul,	Woodside,
Conner,	Moore,	Stockham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL TAKEN FROM TABLE

Mr. JOHN J. BAKER. Mr. Speaker, I move that House Bill No. 1156, Printer's No. 700, which was laid on the table, be taken from the table.

The motion was agreed to.

RESOLUTION

RETURNING HOUSE BILL NO. 1156 TO THE GOVERNOR

Mr. JOHN J. BAKER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 15, 1935.

Resolved, (if the Senate concur), That House Bill No. 1156, Printer's No. 700, entitled "An act creating and establishing a fund for the care, maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class, providing a pension fund for said employes, and providing for the payment of certain dues, fees and assessments fines and appropriations thereto, regulating membership therein, creating a Board for the management thereof, providing the amount mode and manner of payment to beneficiaries thereof, and for the care and disposition of said fund, providing for the payment into this fund by cities of the second class of all moneys heretofore payable into any other fund, organizations, corporations or associations having the same or similar purposes and for such additional moneys as may be necessary to carry out the provisions of this act," which was recalled from the Governor May first, one thousand nine hundred and thirty-five, for the purpose of amendment, be returned to the Governor without amendments.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. CAPUTO. Mr. Speaker, I desire to call up at this time House Bill No. 1605, Printer's No. 800, on page 18, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. CAPUTO.

The House resumed the consideration on final passage of House Bill No. 1605, entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of the prosecutions under the Vehicle Code; providing for the audit of the accounts of counties by the Auditing General and for the collection of amounts due from counties, and for appeals by counties to the Board of Finance and Revenue, and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties; repealing inconsistent acts and making an appropriation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Downey, J. J.,	Male,	Shortz,
Alexander,	Duffort,	Mason,	Shreiner,
Allen,	Eberharter,	McCreary,	Shugarts,
Altenburg,	Falkenstein,	McDermott,	Siegel,
Andrews,	Ferko,	McDevitt,	Simon,
Arnold,	Finnerty,	McElroy,	Simpson,
Atkins,	Fitch,	McHenry,	Sinwell,
Aukerman,	Flanagan,	McKinney,	Sloan,
Baine,	Flinchbaugh,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Forrest,	Mentzer,	Smith, W. G.,
Baker, J J.,	Furman,	Moomaw,	Snyder, F. E.,
Baldi,	Gates,	Mooney,	Snyder, J. L.,
Barber,	Gerard,	Moore,	Sowers,
Barnhardt,	Gillette,	Moran,	Spangler,
Bernhard,	Green,	Moul,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,
Boose,	Haberlen,	Munley,	Stevens,
Boyd, R.,	Hagerty,	Murrin,	Stewart,
Boyer,	Haluska,	Nagel,	Stockham,
Bradley,	Hamilton, F. P.,	O'Keefe,	Sumney,
Brancato,	Hamilton, R. S.,	Ominsky,	Surface,
Brown, H. S.,	Harkins,	O'Neill,	Terry,
Brown, J. E.	Harmuth,	Panton,	Trout,
Brownfield,	Hart,	Parks,	Tumelty,
Brumbaugh,	Hartman,	Patterson, C.,	Turner,
Burke,	Hermansen	Patterson, J. W.,	Van Allsburg,
Cannon,	Hetrick,	Perry,	Van Sickle,
Caputo,	Hindman,	Pfaff,	Wall,
Carson,	Hirsch,	Phillips,	Wasserman,
Castor,	Holstrom	Piole,	Weidemann,
Chervenak	Hoopes,	Powers,	Weiss,
Coakley,	Horst,	Reising,	Welliver,
Cochran,	Jones,	Reynolds,	Welsh,
Cohen,	Kelder,	Rhys,	Westrick,
Coleman,	Kelso,	Roan,	White,
Condon,	Kilroy,	Root,	Wickersham,
Conner,	Kinney,	Ruffennach	Witkin,
Coolahan	Klingler,	Ruth,	Winner,
Cordier,	Kobelak,	Sarraf,	Witkin,
Davies,	LaRue,	Schrock,	Wood
Decker,	Linderman	Schrope,	Woodside,
Denning	Long,	Schwab,	Yeakel,
Dent,	Lovett,	Schwartz,	Zappala,
Dilley,	Lynch,	Shepard,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

LEAVES OF ABSENCE

Mr. BLUMBERG asked and obtained leave of absence for himself for the balance of the week.

Mr. JAMES L. SNYDER asked and obtained leave of absence for himself for the balance of the week.

Mr. WICKERSHAM asked and obtained leave of absence for himself for the balance of the week.

Mr. SOWERS asked and obtained leave of absence for himself for the balance of the week.

Mr. HIRSCH asked and obtained leave of absence for himself for the balance of the week.

Mr. STOCKHAM asked and obtained leave of absence for himself for the balance of the week.

Mr. TERRY asked and obtained leave of absence for himself for the balance of the week.

Mr. WASSERMAN asked and obtained leave of absence for himself for the balance of the week.

Mr. GREEN asked and obtained leave of absence for himself for the balance of the week.

Mr. YEAKEL asked and obtained leave of absence for himself for the balance of the week.

Mr. DENNING asked and obtained leave of absence for himself for the balance of the week.

Mr. WOOD asked and obtained leave of absence for himself for the balance of the week.

Mr. RUTH. Mr. Speaker, if we are to have a session tomorrow, we must have members here.

The SPEAKER. If there is not a quorum of the House, there will be a call of the House.

Mr. WITKIN. If the gentlemen have leaves of absence the call of the House won't do us any good.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, will state his question of parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, it is in order to move that the leaves of absence granted be cancelled?

The SPEAKER. Will the gentleman from Cambria, Mr. Andrews, the gentlemen from Philadelphia, Mr. Witkin and Mr. Blumberg, and the gentleman from Berks, Mr. Ruth, come to the desk.

Mr. BLUMBERG. Mr. Speaker, because of information which I received at the desk within the last few minutes pertaining to the very urgent necessity for a full House here tomorrow in connection with the relief program and the taxing program, I would ask leave of the House to without my application for leave of absence, which was granted.

The SPEAKER. The gentleman from Philadelphia, Mr. Blumberg asks the leave of the House to withdraw his request for leave of absence. There being no objections, the request will be granted.

Mr. SOWERS. Mr. Speaker, in view of the urgency of the situation, I ask leave to withdraw my request for leave of absence. I want to say that this is the first time I have asked for leave of absence in years.

The SPEAKER. The gentleman from Philadelphia, Mr. Sowers, asks the leave of the House to withdraw his application for leave of absence. There being no objections, the request is granted.

The Chair realizes that we should have a rather well filled House tomorrow and the Chair will recognize any member who has secured leave of absence and agrees to withdraw his leave of absence and remain. It is important that every member possible should be here tomorrow.

Mr. DENNING. Mr. Speaker, under those circumstances I withdraw my request for leave of absence.

Mr. WOOD. Mr. Speaker, I withdraw my request for leave of absence.

Mr. SPROUL. Mr. Speaker, I withdraw my request for leave of absence.

Mr. TERRY. Mr. Speaker, I withdraw my request for leave of absence.

Mr. SIMON. Mr. Speaker, I withdraw my request for leave of absence.

Mr. YEAKEL. Mr. Speaker, I withdraw my request for leave of absence.

Mr. STOCKHAM. Mr. Speaker, I withdraw my request for leave of absence.

Mr. WICKERSHAM. Mr. Speaker, I withdraw my request for leave of absence.

Mr. WASSERMAN. Mr. Speaker, I withdraw my request for leave of absence.

STATEMENT BY MR. WITKIN.

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I do not believe that I am so popular that I can afford to become unpopular by reason of being the probably cause of making you sit here tomorrow. I can assure you that there is no desire on my part to be here tomorrow, but I knew the urgency of the situation, and perhaps the other members did not. I dislike to be the cause, the primary or the proximate cause, of making you sit here, but I did it because of the situation and because I knew that it was important for you to be here, and I think you ought to be here tomorrow.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON FINAL PASSAGE

Mr. CLIFF PATTERSON. Mr. Speaker, I desire to call up at this time House Bill No. 2661, Printer's No. 941, on page 19, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. CLIFF PATTERSON.

The House resumed the consideration on final passage of House Bill No. 2661, entitled:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchan-

dise and providing for the collection of said tax" as amended by imposing the tax upon manufactures selling goods wares and merchandise fro mthe place of manufacture and upon certain venders or dealers heretofore exempt clarifying the provisions relating to appeals and repealing inconsistent acts

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. CLIFF PATTERSON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. CLIFF PATTERSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, line 7 of title, by inserting after the word "amended" the following: "by increasing the tax"

Amend Title, page 1, line 10 of title, by inserting after the word "provisions" the following: "defining wholesale and retail venders and dealers and"

Amend Sec. 1, page 2, line 16, by striking out with lightfaced brackets the words "one mill" and inserting in lieu thereof: "two mills"

Amend Sec. 1, page 2, line 21, by striking out with lightfaced brackets the word "one-half" and inserting in lieu thereof: "one"

Amend Sec. 1, page 2, line 27, by striking out with lightfaced brackets the word "or" where it appears before the words "retail venders"

Amend Sec. 1, page 3, line 13, by striking out with lightfaced brackets the word "from"

Amend Bill, page 3, by inserting between lines 22 and 23 the following: "Section 2. That section two of said act is hereby amended to read as follows:

Section 2. [And it is provided that all] All persons who shall sell goods, wares or merchandise to dealers in or venders of such goods, wares and merchandise [and to no other person or persons] which dealers or venders resell such goods, wares or merchandise in their original or any other form shall be taken under the provisions of this act to be wholesalers and all other venders of or dealers in goods, wares and merchandise shall be retailers and shall pay an annual license tax as provided in this act for retailers."

Amend Sec. 2, page 3, line 23, by striking out the figure "2" and inserting in lieu thereof: "3"

Amend Sec. 3, page 5, line 23, by striking out the figure "3" and inserting in lieu thereof: "4"

Amend Sec. 4, page 6, line 14, by striking out the figure "4" and inserting in lieu thereof: "5"

Amend Sec. 5, page 6, line 16, by striking out the figure "5" and inserting in lieu thereof: "6"

Amend Sec. 5, page 6, line 17, by inserting after the word "licenses" the following: "applied for and"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? It there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

TIME EXTENDED ON BILL

Mr. MORAN. Mr. Speaker, I move that the time on House Bill No. 2015, Printer's No. 725, entitled:

An Act authorizing cities boroughs and towns to construct acquire own operate and control water-works and gas works and appurtenances thereto and to sell water and gas both within and without their corporate limits and conferring the power of eminent domain to acquire property for such purposes.

on page 19 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Cities will meet immediately after this session in room 325.

The Committee on Highways will meet at 7:30 P. M. tonight in the House Caucus Room.

All members of Fourth Class Counties are requested to meet Monday May 20, 1935 at 4.00 P. M. in room 324, for the purpose of discussing a fourth class county salary reduction bill.

ADJOURNMENT

Mr. ROBERT S. HAMILTON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 6:08 P. M.) the House adjourned until Thursday, May 16, 1935, at 11:00 A. M.

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